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THE
Gt Brit. Laws, statutes, etc. Charity Law.
METROPOLITAN POOR ACT, 1867,

WITH NOTES AND APPENDIX

OF

INCORPORATED STATUTES.

William
BY
W. CUNNINGHAM GLEN, Esq.,
BARRISTER-AT-LAW.

LONDON:
SHAW AND SONS, FETTER LANE,
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P R E F A C E.

IN compliance with the request of the Publishers I have annotated the Metropolitan Poor Act, 1867. I have endeavoured in my notes to explain the various sections so far as they seemed to me to require explanation, and I have collated the various Acts of Parliament which were necessary to a proper understanding of the principal Act.

The collated Acts I have placed in the Appendix.

The Work is intended for practical use in bringing the new law into operation, and I have purposely abstained from entering into any disquisition, or history of the events which have led to the almost entire subversion of the system of poor relief which, since the Poor Law Amendment Act of 1834, has been in

operation in the Metropolis. Any discussion of the principles of Poor Law Administration in a work of this nature would be out of place. It suffices that I should place the new enactment with convenient facilities for reference within the reach of the Poor Law Authorities of the Metropolis.

5, ELM COURT, TEMPLE,
5th April, 1867.

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THE
METROPOLITAN POOR ACT, 1867,

30 VICT. CAP. 6.

An Act for the Establishment in the Metropolis of Asylums for the Sick, Insane, and other Classes of the Poor, and of Dispensaries ; and for the Distribution over the Metropolis of Portions of the Charge for Poor Relief ; and for other Purposes relating to Poor Relief in the Metropolis.

[29th March, 1867.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :

Preliminary.

1. This Act may be cited as The Metropolitan Short Title. Poor Act, 1867.

B

2. In this Act—

Interpreta-
tion of
terms.

The Term “the Poor Law Acts” means the Act of the session of the fourth and fifth years of King William the Fourth (chapter seventy-six) “for the Amendment and better Administration of the Laws relating to the Poor in England and Wales,” and the Acts extending or amending the same (a) :

The Term “the Poor Law Amendment Act of 1844” means the Act of the session of the seventh and eighth years of Her Majesty’s reign (chapter one hundred and one) “for the further Amendment of the Laws relating to the Poor in England.”

Words in this Act have the same meaning as in the Poor Law Acts (aa).

Limitation
of Act to Me-
tropolis.

3. This Act extends only to unions and parishes not in union which are wholly or for the greater part thereof respectively included in the metropolis as defined by the Metropolitan Management Act, 1855; and in this Act the term “the Metropolis” means the metropolis as so defined (b).

(a) The whole of the Acts “extending or amending” the Poor Law Amendment Act of 1834, will be found at length in Glen’s Poor Law Statutes, vols. 1 & 2.

(aa) The following interpretation clauses of the principal “Poor Law Acts,” are contained in the Appendix:—
4 & 5 Will. 4, c. 76, s. 109; 5 & 6 Will. 4, c. 69, s. 9;
5 & 6 Vict. c. 57, s. 18; 7 & 8 Vict. c. 101, s. 74; 12 & 13 Vict. c. 103, s. 21; 29 & 30 Vict. c. 113, s. 18.

(b) The following is the District of “the Metropolis,” as defined by the Metropolitan Local Management Act, 18 & 19 Vict. c. 120, sect. 250.

SCHEDULES A. B. & C.

KENT,—Unions.—Greenwich—Lewisham.

MIDDLESEX,—Unions.—Fulham — Hackney —

4. Any order of the Poor Law Board under this Act shall not be deemed a general order Orders of
Poor Law
Board.

Holborn—London, City of—London, East—London, West—Poplar—Stepney—Strand—Whitechapel.

Parishes.—Bethnal Green—Chelsea—*Clerkenwell—Hampstead—*Islington—Kensington—Mile End Old Town—Paddington—*St. George, Hanover Square—St. George in the East—*St. Giles-in-the-Fields, and St. George, Bloomsbury—*St. James, Westminster—*St. Luke—*St. Margaret and St. John, Westminster—St. Martin-in-the-Fields—*St. Marylebone—*St. Pancras—Shoreditch.

The following by 18 & 19 Vict. c. 120, s. 250, are also included in "the Metropolis:" Charter House—Inner Temple—Middle Temple—Lincoln's Inn—Gray's Inn—Staple Inn—Furnival's Inn, and The Close of the Collegiate Church of St. Peter.

(By 20 Vict. c. 19, the three first mentioned places are constituted parishes; but by sect. 3 of that Act, are not liable to be added to any union or other district for any of the purposes mentioned in the first section of the Act. Lincoln's Inn, Gray's Inn, Staple Inn, and Furnival's Inn, either form parts of parishes in the Metropolis or are in a union. The Close of the Collegiate Church of St. Peter, does not contribute to the poor rates of any parish, neither has it overseers appointed for it.)

SURREY, Unions.—St. Olave's,—St. Saviour's,—Wandsworth and Clapham.

Parishes.—Bermondsey—Camberwell—Lambeth—Rotherhithe—St. George the Martyr—*St. Mary, Newington.

In each of those parishes in the above list which have an asterisk prefixed, relief to the poor is governed by a Local Act; the 73rd section of this Act will enable the Poor Law Board to place these parishes under boards of guardians, to be elected under the 4 & 5 Will. 4, c. 76. There is also a local Act in force in the parish of Shoreditch, (21 & 22 Vict. c. cxxxii), but a board of guardians is elected for that parish in like manner as guardians are elected under the 4 & 5 Will. 4, c. 76.

It will be seen, *post*, p. 24, that the Croydon, Kingston, and Richmond unions, are included in a school district, partly within the area of "the Metropolis," but these unions are situated beyond that area.

within the operation of the Poor Law Acts, although addressed to more than one union or parish (c).

District Asylums.

Asylums to be provided.

5. Asylums to be supported and managed according to the provisions of this Act may be provided under this Act for reception and relief of the sick, insane, or infirm, or other class or classes of the poor chargeable in unions and parishes in the metropolis (and in this Act the term "Asylum" means an asylum provided under this Act) (d).

(c) A general order is defined by 10 & 11 Vict. c. 109, s. 16, to be a "rule, order, or regulation of the Commissioners, which at the time of the issuing the same, shall be directed to and affect more than one union;" and any such general rule, by sect. 14 of that Act, is to be made under the seal of the board, and under the hands of three or more of the Commissioners, of whom the president shall be one.

Orders under this Act will be made in the manner prescribed by sect. 7, of the 10 & 11 Vict. c. 109, i. e., under the seal of the board, and signed by the president, and countersigned by one of the secretaries to the board.

(d) District schools under the 7 & 8 Vict. c. 101, will not be "asylums" within the meaning of this Act.

Asylums may be provided under the Act for sick, insane, infirm, or *other class or classes of poor*; and, therefore, so far as the poor can be classified, the Act is exhaustive, and may bring the whole of the poor in the district of the metropolis under its provisions, see however, s. 50, *post*, p. 28. In this respect the Act carries out the recommendation of the Commissioners of Inquiry in their Report of 1834, "that the central board be empowered to cause any number of parishes which they may think convenient to be incorporated for the purpose of workhouse management, and for providing new workhouses where necessary, to declare their workhouses to be the common workhouses of the incorporated district,

6. In order to the provision of asylums, the Poor Law Board may from time to time by Formation of Districts.

and to assign to these workhouses *separate classes* of poor, though composed of the poor of distinct parishes, each distinct parish paying to the support of the permanent workhouse establishment in proportion to the average amount of the expense incurred for the relief of its poor, for the three previous years, and paying separately for the food and clothing of its own paupers." The Poor Law Commissioners appointed under the 4 & 5 Will. 4, c. 76, directed their assistant Commissioners in every parish containing a workhouse, or poorhouse, or cottages, to examine to what extent those houses were applicable; and if they could not be considered useful for all classes of inmates, whether they might not be made useful for only one class of paupers, and to what extent. (1st Annual Report, p. 29.) The principle, however, was never acted upon of providing separate workhouses for each separate class of paupers; and all the new houses which were built subsequent to the Act of 1834, provided for all classes of poor being received into the same building, and for their sub-classification therein.

The asylums for insane poor, to be provided under this Act, are for a different class from that usually sent to lunatic asylums—namely, harmless idiots, and insane poor persons, who do not require the treatment provided in a lunatic asylum, either for their restraint or recovery.

It will be noticed that the Act does not give the managers power to detain compulsorily insane persons in the asylum.

Mr. Hardy, in committee on the bill, stated that "its object was to give to the Poor Law Board power to classify the different kinds of paupers in the metropolis. It was an essential part of the scheme that the classification should be undertaken under the direction of the Poor Law Board. He never intended to mix up the sick with the other paupers, nor was there any indication of such an intention in the bill. On the contrary, his object was to separate them. It might be advantageous in some case to have a building for one class, even, perhaps, the able-bodied in a particular district. The object was to give the Poor Law Board the necessary powers to classify the whole order of paupers."

order combine into districts, unions or parishes, or unions and parishes, in the metropolis, as they think fit, and may from time to time alter any such district by addition, sub-division, separation of part or otherwise (and in this Act the term "the District" means, in relation to each asylum, the district for which that asylum is for the time being provided) (e).

Number of
Asylums.

7. For each district there shall be an asylum or asylums, as the Poor Law Board from time to time by order direct (f).

The Sessional Paper (1867, No. 18.) gives detailed information as to the capacity of each workhouse in the metropolis.

(e) That is to say, unions may be combined into districts, or parishes may be so combined, or unions and parishes may be combined. The Act does not admit of a single union or a single parish becoming an asylum district.

With reference to the formation of asylum districts, Mr. Hardy, in committee on the bill, in answer to an observation of Mr. Goschen, said "his view was that with respect to lunatics, fever, and small-pox patients, this was a metropolitan question, and he would make the district equal to the whole of the metropolis; when one asylum was full, they must be sent to another, but they would all be managed by one body. Many of the parishes were of large size, and some had already provided either a separate hospital for their workhouse, or a hospital, which at very little expense might be made available as such. Those who had upon their own ground provided all that could be required, ought not be called upon to contribute towards places that were not so provided." He added, however, that he was not aware how the metropolis would be divided.

It is not contemplated by the Act that Charterhouse, the Inner or Middle Temple, should be included in any district to be formed under section 6.

(f) That is to say, there may be a separate asylum in each district for as many classes of poor persons as are contemplated by the 5th section of the Act.

8. For the asylum or asylums of each district there shall be a body of managers constituted as in this Act provided, which managers and their successors are hereby incorporated by the name of the Managers of the Asylum District, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power, subject and according to the orders of the Poor Law Board, to take, hold, and dispose of lands and other property for purposes of the asylum district (and in this Act the term "the Managers" means, in relation to each asylum district, the managers thereof for the time being) (g). Managers of Asylums.

9. The managers shall (subject to the provisions of this Act) be partly elective and partly nominated. Constitution of Managers.

10. Elective managers shall be from time to time elected by the Guardians of each of the several unions and parishes forming the district from among themselves, or from among ratepayers qualified to be guardians therein, or partly from one and partly from the other (h). Election of Managers.

11. Nominated managers shall be from time to time nominated by the Poor Law Board from among justices of the peace for any county or place resident in the district, or from among Nomination of Managers.

(g) See sections 9 to 12, *infra*.

(h) Under 4 & 5 Will. 4, c. 76, sect. 38, the Poor Law Commissioners fixed a qualification, without which no person shall be eligible for the office of guardian, "such qualification to consist in being rated to the poor rate of some parish or parishes in such union, but not so as to require a qualification exceeding the annual rental of forty pounds."

The tenure of office of elective managers will be regulated by the Poor Law Board, under sect. 12, *infra*.

ratepayers resident in the district and assessed to the poor rate therein on an annual rateable value of not less than forty pounds, or partly from one and partly from the other (i).

Number,
qualifica-
tions, &c. of
Managers.

12. The Poor Law Board shall from time to time by order prescribe the total number of the managers, and the proportion of the elective and nominated managers (but so that the prescribed number of the nominated managers do not ever exceed one third of the prescribed number of the elective managers), the number of elective managers to be elected for each union or parish in the district, the qualifications of the managers, their tenure of office, the mode

(i) The Poor Law Board will doubtless give effect to their nomination by an order under seal, as the provision in 29 & 30 Vict. c. 113, s. 5, would not apply to such a nomination. As to the tenure of office of nominated managers, see sect. 12, *infra*. It will be noticed that the qualifications for a nominated manager is fixed at a *minimum* rating of £40. The Poor Law Board, may, if they think fit, under sect. 12, prescribe a higher rating qualification.

To qualify a justice of the peace as an ex officio guardian under 4 & 5 Will. 4, c. 76, sect. 38, he must be "acting for the county;" the present provision merely requires that he shall be a justice for the county.

With reference to this clause, Mr. Hardy said that he hoped to meet with persons who would take their places at the several boards in behalf of the central board, not from the love of money, but from the love of doing good. He had, he said, already received a letter from a medical man, who had filled some of the highest positions in India, and who had recently retired from practice, offering to place himself entirely at the disposal of the board for the parish in which he resided. He added that he could assure country members, that if the nomination system failed in London, it would not be proposed to extend it to the country.

and times of election, and the quorum for their meetings (*k*).

13. Any act or proceeding of the managers shall not be invalid by reason only of any vacancy in their body, or by reason only of any failure to elect or nominate or any defect or irregularity in or about the election or nomination of any person to be manager, or by reason only of the want of qualification or disqualification of any person acting as manager; and the managers shall be deemed lawfully constituted, and shall act, notwithstanding any such vacancy, failure, defect, irregularity, want of qualification, or disqualification (*l*).

Validity of Acts of Managers notwithstanding Vacancies.

14. The provisions of the Poor Law Acts imposing penalties on guardians and their officers if concerned for their own profit in providing or in any contract for the supplying of anything for the use of workhouses or otherwise for the support or maintenance of the poor, and all remedies for recovery of such penalties, shall extend and apply to the managers and their officers (*m*).

Prohibition against Managers being concerned in Contracts.

(*k*) The managers will be elected for each separate union or parish combined into a district—not for each parish already combined in a union.

The qualifications of the elective managers under sect. 10 are to be the qualifications prescribed for the office of guardian in the respective unions and parishes. The qualifications of the managers to be prescribed by the Poor Law Board under sect. 12, will be those of the nominated managers under sect. 11.

(*l*) The relative provisions in respect of boards of guardians are contained in 5 & 6 Vict. c. 57, ss. 12, 13, in the Appendix.

(*m*) See 55 Geo. 3, c. 137, sect. 6; 4 & 5 Will. 4, c. 76, ss. 51, 77, in the Appendix, pp. 41, 42.

The prohibitions in 4 & 5 Will. 4, c. 76, ss. 92, 93, as to

Building for
Asylum.

15. The Poor Law Board may from time to time by order direct the managers to purchase or hire, or to build, and (in either case) to fit up a building or buildings for the asylum, of such nature and size, and according to such plan, and in such manner, as the Poor Law Board think fit, and the managers shall carry such directions into execution (n).

As to the
Purchase or
Hiring of
lands, &c.
by Managers.

16. The managers shall have for the purposes of the asylum the like powers as are for the time being vested in guardians of unions or parishes in the metropolis relative to the purchase or hiring of lands or buildings; but the consent of any ratepayers or owners of property in a union or parish shall not be necessary with respect to any sale, lease, or other disposition of any workhouse, building, or land by guardians or overseers to the managers (o).

Power to
borrow
money for
purposes
herein
named.

17. The managers may borrow money for purchasing lands or buildings, and for building, fitting up, and furnishing buildings erected or hired for the asylum, according to the provisions of the Poor Law Acts under which guardians are for the time being empowered to borrow money, and may charge the poor rates of the

the introduction of spirituous liquors into workhouses, and ill-treating poor persons, would not apply to asylums under this Act, unless they be considered "workhouses."

(n) The order of the Poor Law Board under this section will be peremptory, and if it be not obeyed by the managers, may be enforced by writ of *mandamus* for wilful neglect or disobedience of the order, and would besides be an offence punishable under 4 & 5 Will. 4, c. 76, s. 98.

(o) The power of guardians with respect to purchasing or buying lands or buildings are contained in 4 & 5 Will. 4, c. 76, ss. 21, 23; 5 & 6 Will. 4, c. 69, and 1 Vict. c. 50, for which see Appendix.

unions and parishes forming the district with the money so borrowed, and interest, subject and according to the following provisions (*p*) :

- (1.) The amount borrowed shall not exceed one third of the aggregate annual expenditure on the relief of the poor within the whole district (exclusive of reimbursements) for the period of three years ending on the twenty-fifth day of March next preceding the borrowing of the money :
- (2.) The amount borrowed shall be charged on the poor rates of the several unions and parishes forming the district in the proportions in which they contribute to the maintenance of the asylum :
- (3.) The amount borrowed shall be paid off, with interest, by equal annual instalments not exceeding twenty.

18. The Poor Law Board may by order direct that any building for the time being in use as a workhouse be, with such alterations as the Poor Law Board think fit, used for the asylum, and thenceforth that building shall be for the common use of the district accordingly ; and an annual sum in the nature of rent or other compensation of such amount as the Poor Law Board from time to time direct shall be paid to

Adaptation
of existing
workhouses
for Asylum.

(*p*) The borrowing powers of guardians are contained in 4 & 5 Will. 4, c. 76, ss. 23, 24 ; 5 & 6 Will. 4, c. 69 ; 7 & 8 Vict. c. 101, sect. 30 ; and 14 & 15 Vict. c. 105, sect. 7, and schedule, for which see Appendix.

The limitation on the borrowing powers of the managers is confined to one-third of the *aggregate* annual expenditure for the three preceding years, (exclusive of reimbursements.) This is only another mode of stating that it shall be the average annual amount for the three

the guardians of the union or parish to which such building belongs, as long as the same continues to be so used (g).

Reimbursement to managers of expenditure.

19: If in any such case the managers expend any money in the improvement or enlargement of the building, or the providing of substantial fittings therein, and afterwards relinquish the use thereof, the Poor Law Board may, if they think fit, make an adjustment in respect of that expenditure between the owners of the building and the managers, and direct such amount as they think equitable to be reimbursed to the managers by the owners of the building, to be paid at once or by instalments as the Poor Law Board direct.

preceding years, as in 4 & 5 Will. 4, c. 76, sect. 24. The reimbursements, which will be deducted, are the repayments by the Treasury of officers' salaries, and non-settled relief, &c.

As regards the proportions of contributions to the maintenance of the asylum, see sect. 55, *post*, p. 29.

The charge on the poor rates of each union and parish will continue as at the time when the loan was effected, and it will not afterwards be varied by any alteration which may take place in the proportions in which the unions and parishes contribute to the maintenance of the asylum.

(g) The rent or other compensation will be fixed with reference to the state the workhouse buildings are in at the time they are taken over for the purposes of the asylum, and the Poor Law Board are invested with absolute authority as to the amount to be paid. They will, of course, be guided by the report of their surveyor in fixing the compensation, which will, doubtless, have relation to the expenditure which has taken place on the building, and the state of repair that it is in at the time of his survey.

No change in the legal ownership of the premises will take place when a workhouse is, under this section, adapted for the purposes of an asylum.

20. The managers shall from time to time provide for the asylum necessary fixtures, furniture and conveniences, and such as the Poor Law Board from time to time by order direct (*r*). Furniture, &c. for asylum.

21. The mode of admission of persons into the asylum shall be such as the Poor Law Board from time by order direct (*s*). Mode of admission into asylum.

22. The managers shall have the like powers as guardians for the relief, maintenance, and management of the inmates of the asylum, and shall from time to time provide such medicines, appliances, and requisites for the medical and surgical care and treatment of the inmates, and cause the same to be furnished and used according to such rules, as the Poor Law Board from time to time by order direct (*t*). Powers and duties of managers in respect of inmates.

(*r*) Under this section the managers are not to wait for the order of the Poor Law Board before they provide furniture, &c. for the asylum. It will not be necessary for the board to issue their order unless the managers refuse or neglect to provide such furniture, &c. as the board may deem requisite.

(*s*) That is, the authorities who shall admit to the asylum, as well as the mode of admission, shall be regulated by the Poor Law Board.

(*t*) See sect. 28, *post*, p. 16, as to orders of the Poor Law Board with regard to the powers and duties of managers. The powers of guardians with regard to relief, maintenance and regulation of the inmates of workhouses are chiefly conferred by the consolidated order of the Poor Law Commissioners (see Glen's Poor Law Board Orders, 5th edition). By the 4 & 5 Will. 4, c. 76, s. 42, the Poor Law Commissioners are empowered to make rules, orders, and regulations, to be observed and enforced at every workhouse for the government thereof, and the nature and amount of the relief to be given to, and the labour to be exacted from the persons relieved, and the preservation therein of good order.

How far the following provision in sect. 38 of that Act will apply to managers of asylums appears doubtful:—"Provided always, that except where otherwise

Application
of parts of
7 & 8 Vict.
c. 101, as
herein
named.

23. The following provisions of the Poor Law Amendment Act of 1844 shall extend to the asylum as if it were an asylum under that Act or a workhouse, and as if the managers were a district board under that Act, that is to say (d),—

So much of section forty-three as relates to rules of the Poor Law Board for government of the asylum or its inmates, and to religious assistance and instruction :

Sections fifty, fifty-four, fifty-seven, and fifty-nine.

Charge-
ability, &c.
of inmates.

24. With reference to chargeability, burial, and other incidents, the asylum shall in relation to each inmate thereof be deemed to be in the union or parish from which such inmate is sent ; but births and deaths in the asylum shall be registered by the registrar in whose district the asylum is situate (e).

ordered by the said commissioners, * * * no *ex officio* or other guardian of any such board as aforesaid shall have power to act in virtue of such office, except as a member, and at a meeting of such board ; and no act of any such meeting shall be valid unless three members shall be present, and concur therein." With regard to the latter, however, it will be seen, *ante*, sect. 12, that the Poor Law Board are to fix the quorum for the meetings of the managers.

(d) The sections of the 7 & 8 Vict. c. 101, referred to in this section will be found in the Appendix.

(e) As regards chargeability—the section means that the paupers, though the cost of their relief in the asylum will be repaid out of the common fund of the metropolis, shall nevertheless be deemed, whilst resident in the asylum, to be, with reference to questions of removability, in the unions or parishes from which they were sent to the asylum. In respect of burial, though dying in the asylum, they will be deemed to have died in the unions, or parishes from which they were sent ; as regards the registration of births and deaths, see the provision on the subject in Glen's Law of Registration of Births Deaths and marriages.

25. The managers shall have the like powers as guardians for the appointment, control, and payment of paid officers of the asylum, and the grant of superannuation allowances to them (f). Appointment, &c. of paid officers.

The duties, number, and salaries of the paid officers, and the securities to be given by them, shall be such as the Poor Law Board may from time to time approve or by order direct.

26. Legal and reasonable orders of the managers shall be obeyed, and obedience thereto Enforcement of orders of managers.

The cost of burial is provided for by sect. 32, *post*; as regards the place of burial and fees on burial, see the 31st section of 7 & 8 Vict. c. 101, in the Appendix.

(f) The 4 & 5 Will. 4, c. 76, s. 46, does not give the guardians any original powers as to the appointment of paid officers. It enables the Poor Law Board, as and when they shall see fit, by an order to direct the guardians to appoint such paid officers with such qualifications as they shall think necessary for superintending or assisting in the administration of the relief and employment of the poor and otherwise for carrying the provisions of the Act into execution. The board are thereby also empowered to define and specify and direct the execution of the respective duties of such officers, and the places or limits within which the same shall be performed, and direct the mode of appointment, and determine the continuance in office or dismissal of such officers, and the amount and nature of the security to be given by such of the officers as they may think ought to give security; and also, when the board may see occasion, to regulate the amount of salaries payable to such officers respectively, and the time and mode of payment thereof.

Quære, if the clerk to the managers will be an officer of the "asylum?"

As regards the superannuation of the officers of asylums it is only necessary at present to refer generally to the provisions of the 27 & 28 Vict. c. 42, and 29 & 30 Vict. c. 113, ss. 1, 2, 3 on the subject of superannuation of officers of boards of guardians and managers of district schools.

They will be found in Mr. Cecil Austin's work on Superannuations, and in Glen's Poor Law Statutes.

shall be enforced, in like manner and by and under like remedies and penalties as legal and reasonable orders of guardians (*g*).

Committees
of managers.

27. The managers may from time to time, subject and according to such regulations as the Poor Law Board from time to time by order prescribe, appoint committees of members of their body, and delegate to them any of the powers of the managers.

Orders of
Poor Law
Board as to
managers.

28. The managers shall, in the exercise and discharge of all their powers and duties, be subject to orders of the Poor Law Board in like manner as guardians are under the Poor Law Acts.

Use of asy-
lums as
medical
schools.

29. Where the asylum is provided for reception and relief of the sick or insane it may be used for purposes of medical instruction, and for the training of nurses, in such cases and manner and subject to such regulations as the Poor Law Board from time to time by order direct (*h*).

(*g*) See 4 & 5 Will. 4, c. 76, ss. 95 & 99, in the Appendix.

(*h*) As regards the training of nurses, see Miss Nightingale's paper on the subject, appended to the report of the committee appointed by Mr. Hardy to consider the question of the cubical space to be allotted to each inmate in the wards of workhouses. Under this provision the asylums will become medical schools, subject to such regulations as the Poor Law Board may make. They will therefore be subject to the constant supervision, not only of the responsible medical officers, but of a numerous body of students, who will resort to them for the acquisition of medical knowledge. Public attention would therefore be sure to be at once called to any neglect or malpractices which might exist in the asylums.

30. Where the asylum is provided for reception and relief of the insane the Commissioners in Lunacy may, if they think fit, depute one of their body or appoint from time to time a special commissioner, and the person so deputed or appointed shall be entitled to attend meetings of the managers and to take part in their proceedings, but not to vote; and every such asylum shall be considered as a workhouse within the meaning of the Lunacy Acts as defined by the twenty-fifth and twenty-sixth Victoria, chapter one hundred and eleven (i).

Representative Commissioners in Lunacy.

31. Expenses incurred by the managers in or about the purchasing, hiring, building, repairing, and fitting up of buildings for the asylum, and any sum in the nature of rent or other compensation, payable by the managers to guardians, in respect of the use for the asylum of a building previously used as a workhouse, and expenses incurred by the managers in or about the providing of fixtures, furniture, conveniences, medicines, medical and surgical appliances, and other necessities required for keeping the asylum in proper order for daily use, and the salaries and maintenance of the officers thereof, shall be defrayed by contribu-

Expenses of providing asylums and salaries.

(i) See 25 & 30 Vict. c. 111, s. 31, which enacts that where upon the visitation of any workhouse by any two or more Commissioners in Lunacy, it appears to them that any lunatic or alleged lunatic therein is not a proper person to be kept in a workhouse, they may by an order under their hands, direct such lunatic to be received into any asylum, and an order so made shall have the same effect, and be obeyed by the same persons, and subject them to the same penalties, in case of disobedience, as any order made by a justice for the reception of a lunatic into an asylum under the 16 & 17 Vict. c. 97, s. 67, as to which see Fry's Lunacy Acts.

tions from the unions and parishes forming the district (*k*).

Charges
for main-
tenance, &c.

82. Expenses incurred by the managers in or about the food, clothing, maintenance, care, treatment, and relief, or for the burials, of inmates of the asylum shall be separately charged to the respective unions or parishes from which the inmates of the asylum are sent (*l*).

Audit of
accounts.

83. The Poor Law Board shall appoint some person to be the auditor of the district, who shall audit the accounts of the managers and of their officers; and those accounts shall accordingly be prepared for and submitted to the auditor at such times and in such manner as the accounts of guardians of unions are by the Poor Law Acts required to be prepared and submitted (*m*).

(*k*) Under this section each asylum district will be called upon to defray the cost of providing its own asylums.

(*l*) See sect. 69, *post*, which specifies the expenses which are to be repaid to the guardians out of the Common Poor Fund, and ss. 55 & 56, as to the payment of contributions to the managers by unions and parishes.—These contributions will be distinct from the contributions to the Metropolitan Common Poor Fund to be raised under ss. 64, 65.

(*m*) The person appointed auditor under this section, need not necessarily be a district auditor appointed under the 7 & 8 Vict. c. 101, s. 32. The 38th section of that Act repeals so much of the 4 & 5 Will. 4, c. 76, as provided that accounts shall be made and rendered not less frequently than once in every quarter, and enacts that such accounts shall be made and rendered at such times, and as often as the Poor Law Commissioners may direct, but not less than once in every half year. The general order of the Poor Law Board for accounts, dated 14th January, 1867, by article 27, provides that all the accounts of the union and of the officers of the union shall be closed at the end of every half year, that is to say, up to the 25th day of March and the 29th day of

34. The auditor shall have the like powers ^{Powers of auditor.} of allowing and disallowing accounts, and of making surcharges therein, as auditors appointed under the Poor Law Acts have for the time being; and sums disallowed, reduced, or surcharged in the accounts submitted to the auditor shall be recoverable in like manner as under the Poor Law Acts; and there shall be the like appeal to the Court of Queen's Bench or to the Poor Law Board against an allowance, disallowance, or surcharge made by the auditor, as in the case of the audit of union or parish accounts (*n*).

35. Within one month after each audit the managers shall deliver by post or otherwise, to each board of guardians in the district a printed abstract (in a form from time to time prescribed by the Poor Law Board) of the accounts as audited. ^{Circulation of abstract of accounts.}

36. The remuneration of the auditor shall from time to time be fixed by the Poor Law Board by order, and, with his expenses, shall be paid as the salaries and expenses of auditors appointed under the Poor Law Acts are for the time being payable (*o*). ^{Remuneration of auditor.}

September in each year, inclusively, when such days occur at the end of the week established by the practice of the union, and at other times at the end of such week first completed next after such days respectively.

(*n*) With regard to this section see the following statutes in the Appendix:—

1. As to the auditors' powers,—7 & 8 Vict. c. 101, s. 32; 11 & 12 Vict. c. 91, ss. 5, 8, 9; 12 & 13 Vict. c. 103, s. 9. 2. As to appeals,—7 & 8 Vict. c. 101, ss. 35, 36; 11 & 12 Vict. c. 91, s. 4.

(*o*) The salaries and expenses of district auditors are paid out of the consolidated fund.

Removal and
new appointment
of
auditor.

37. The Poor Law Board may remove an auditor as they think fit, and on a vacancy shall appoint a qualified person to fill the vacancy; and the powers of providing temporarily for a vacancy, and of appointing a substitute or a deputy, given by the Poor Law Acts in relation to auditors thereunder, shall apply in relation to an auditor under this Act (*p*).

Medical Out-door Relief.

Building for
dispensary.

38. The Poor Law Board may from time to time, by order, direct the guardians of a union or parish in the metropolis to provide a dispensary or dispensaries for such union or parish, and to purchase or hire, or to build, and (in either case) to fit up and furnish a building or buildings for that purpose, of such nature and size, and according to such plan, and in such manner as the Poor Law Board think fit, or to set apart, adapt, fit up and furnish for that purpose such part of the workhouse of the union or parish, according to such plans, and in such manner, as the Poor Law Board think fit, and the guardians shall act accordingly; and, where the Poor Law Board by order so direct, the guardians may borrow the amount requisite in that behalf, in like manner and subject to the like conditions as in the case of the building of a workhouse (*q*).

(*p*) Under sect. 33, *supra*, the Poor Law Board shall appoint *some* person to be auditor of the district; under this section they shall appoint a *qualified* person to fill the vacancy, but in what way such person is to be qualified the section fails to point out. As to the appointment of a temporary auditor or a deputy auditor, see 11 & 12 Vict. c. 91, s. 10, and 12 & 13 Vict. c. 103, s. 8, in the Appendix.

(*q*) See note to sect. 16, *ante*, p. 10. This and the following sections, to section 46, entirely subvert the

39. There shall be a committee of management for the dispensary or dispensaries in each union or parish, to be called the Dispensary Committee for the union or Parish (and in this Act the term "the Dispensary Committee" means, in relation to each union parish, the Dispensary Committee for the same for the time being).

Dispensary committee.

40. The Dispensary Committee shall be elected by the guardians of the union or parish from among themselves, or from among rate-payers of the union or parish assessed to the poor rate on an annual rateable value of not less than forty pounds, or partly from one and partly from the other (r).

Election of committee.

41. The Poor Law Board shall from time to time prescribe with respect to each committee the number and tenure of office of the members, the mode and times of election, and the quorum for their meetings.

Number, &c., of committee.

42. The guardians of each union or parish providing a dispensary shall also provide, according to the directions of the Poor Law Board, proper places where the medical officers of the union or parish may see such of the sick poor as attend there for advice, and where meetings of the Dispensary Committee may be held.

Places for seeing sick poor, &c.

43. The Dispensary Committee shall from

Appointment of dispensers, &c.

existing arrangements for medical relief to the out-door poor, and place such relief on an entirely new footing, under the management of dispensary committees instead of the whole board of guardians.

(r) A ratepayer who is elected by the guardians an elective manager of an sylum district under sect. 10, *ante*, is only required to be qualified to be a guardian of the particular union or parish; but if a ratepayer be elected by the guardians on the dispensary committee, he must be assessed to the poor rate on an annnal rateable value of not less than £40.

time to time appoint and shall at all times keep appointed proper persons to be dispensers of medicine at the dispensaries for the union or parish, and may from time to time appoint such other officers and such servants for the purposes of those dispensaries as they think fit.

The duties, qualifications, number, and salaries of the dispensers, officers, and servants shall be such as the Poor Law Board may from time to time approve or by order direct.

Provision
and dispensa-
ing of medi-
cines, &c.

44. The guardians of each union or parish providing a dispensary shall from time to time, on the requisition of the Dispensary Committee, provide proper medicines and appliances and requisites for the care and surgical treatment of the sick poor of the union or parish relieved out of the workhouse, and the same shall be dispensed and furnished to such of the poor entitled to relief as require the same, on the prescription or written direction of the district medical officer, subject to such regulations as the Poor Law Board from time to time by order direct (b).

Appointment
of district
medical
officers.

45. The district medical officers for a union or parish shall be from time to time appointed

(b) The Poor Law Board are to make regulations under this section to apply to such of the poor as are "entitled to relief." The word "entitled" was inserted in the bill in committee in the House of Commons; but the clause does not define what poor are "entitled to relief," or who is to determine whether they are so entitled. The only "title" to relief, whether medical or otherwise, at the cost of the poor rates, consists in the applicant being destitute of the means of procuring, from his own resources, that of which he is in urgent need. Unless this rule be applied to an applicant for medical relief, as well as for relief of any other kind, very obvious evils will result from the indiscriminate grant of medical relief to all applicants at the dispensaries.

by the Dispensary Committee, subject to the rules and orders of the Poor Law Board respecting appointment and removal of officers under the Poor Law Acts; but the district medical officers in office at the time of the Dispensary Committee entering on their duties shall continue in office as if this Act had not been passed, subject nevertheless to such modifications of arrangements respecting their duties and remuneration, made with them before the passing of this Act, as the Poor Law Board think fit (c).

46. For giving effect to the provisions of this Act relating to medical relief out of the workhouse, the Poor Law Board may from time to time vary as they think fit medical districts, salaries, and contracts with district medical officers, existing at the passing of this Act or at any time thereafter (cc).

Modification of districts, salaries, and contracts with district medical officers.

District and Separate Schools.

47. So much of section forty-seven of the Poor Law Amendment Act of 1844 and of the Act of the session of the thirteenth and fourteenth years of Her Majesty's reign (chapter eleven) "to make better provision for the contributions of unions and parishes in school districts to the Common Funds of the respective districts," as provides for payment by unions as therein mentioned of expenses incurred by any district board in the purchase or hire of any land or buildings for a school, or in erecting, repairing, adding to, or fitting up any building, and the salaries of the officers and

Repeal of provisions as to charge of expenses of buildings, salaries, &c., 7 & 8 Vict. c. 101, s. 47. 13 & 14 Vict. c. 11.

(c) The rules and orders respecting the appointment and removal of officers, under the Poor Law Acts, are contained in Glen's Poor Law Board Orders, 5th ed.

(cc) See sect. 59, *post*, p. 31.

Metropolitan Poor Act.

servants of the establishment, and other common charges of the school, shall, from the twenty-ninth day of September next, as far as those provisions relate to a district in the metropolis, be repealed; but this repeal shall not affect the mode of payment of any such expenses or salaries incurred or accrued due up to that day inclusive, or the payment of any mortgage or other debt incurred by any district board in respect thereof, or the validity or effect of any mortgage or security given by any district board for any such debt; and all such expenses and salaries, and every such debt, shall be paid and remain charged as if this Act had not been passed (*d*).

(*d*) The following are the Metropolitan School Districts which have been formed under the 7 & 8 Vict. c. 101, s. 40, with the unions and parishes in each district:—

Names of Districts.	Unions or Parishes in each District.	Situation of School.
Central London	City of London East London West London St. Saviour's St. Martin's-in-the-Fields	Hanwell
South Metropolitan	Bermondsey Camberwell Greenwich Rotherhithe St. Olave's St. Mary, Newington	Sutton, Surrey
North Surrey	Chelsea Croydon Kingston Lewisham Richmond Wandsworth and Clapham	Penge, near Croydon

48. Expenses incurred by a district board constituted under the Poor Law Amendment Act of 1844 for the maintenance of a district school for a district in the metropolis in the purchase or hire of land or buildings for the school, and the salaries of officers, and all other common charges of such school, shall, from the said twenty-ninth day of September next, be defrayed by contributions from the unions and parishes forming the district, as in this Act provided (e).

Charges for buildings and salaries of officers of district schools.

49. The Poor Law Board may from time to time nominate to be members of such a district board such persons as they think fit from among justices of the peace for any county or place resident in the district of the school, or from among ratepayers resident in that district, and assessed to the poor rate therein on an annual rateable value of not less than forty pounds, or partly from one and partly from the other, but

Addition of nominated members to district board.

It will be seen, however, on reference to page 3, *ante*, that the Croydon, Kingston, and Richmond unions, are not within the area of the Metropolitan Local Management Act.

As regards "separate schools," see sect. 69, (8) *post*, p. 37.

The following are the enactments relating to district schools. They will be found in the Appendix:—

7 & 8 Vict. c. 101, ss. 40, 42, 43, 44, 45, 46, 47, 49, 51; 11 & 12 Vict. c. 82; 13 Vict. c. 11; 13 & 14 Vict. c. 101, s. 3; 14 & 15 Vict. c. 105, ss. 16, 17; 29 & 30 Vict. c. 113, s. 16.

(e) Under sect. 69, (4) *post*, the salaries of the officers of the school district will be repaid out of the Common Poor Fund; but as three of the unions in one of those districts (see *ante*, p. 24,) are beyond the limits of the Act they will contribute nothing to that fund, and, therefore, will not be entitled to be repaid anything under sect. 70, *post*. The mode in which contributions are to be obtained is provided for in sect. 56 *post*.

so that the number of members so nominated do not ever exceed one-third of the full number of the elected members of the Board (f).

Workhouses for Classes of Poor.

Reception in
workhouses
of poor be-
longing to
other unions
or parishes.

50. Where, in the opinion of the Poor Law Board, the workhouse of a union or parish in the metropolis is adapted only for the reception of poor persons of a particular class or particular classes, but is capable of accommodating poor persons of that class or those classes from any other union or parish within the metropolis, the Poor Law Board may by order direct the guardians of the union or parish to which the workhouse belongs to receive, lodge, and maintain therein poor persons of that class or those classes, or any of them, and the guardians shall receive, lodge, and maintain such poor persons accordingly on terms to be agreed on, with the approval of the Poor Law Board, by the respective boards of guardians of the unions or parishes concerned, or, in default of such agreement, to be prescribed by the Poor Law Board by order; and in every such case the following provisions shall have effect (g) :

- (1.) Every poor person so received into the workhouse shall, while therein, be treated in all respects in like manner, and be subject to the same or the like regula-

(f) See sect. 11, *ante*, and not thereon.

(g) As regards the classification of paupers in separate workhouses, see note to section 5, *ante*, p. 4. Under this clause a pauper sent from union or parish A. to the workhouse of union or parish B. will be chargeable, "in the first instance," to union B., and the re-

tions and liabilities, as the other poor persons therein, and shall be chargeable in the first instance to the union or to the parish in the workhouse whereof he is received :

- (2.) The abiding of any such poor person in such workhouse shall in all other respects be attended with the same legal consequences as if the workhouse were situate within the union or parish from which he is sent :
 - (3.) Every guardian of the union or parish from which such poor person is sent may at all reasonable times enter the workhouse and inspect any part thereof.
-

imbursement of the charge of his maintenance therein will be regulated by the terms of the agreement, or by the Poor Law Board, in case there is no agreement. The terms of maintenance will not necessarily be the actual cost of maintenance, but such a sum as may be fixed upon as being fair and reasonable.

Amongst the "legal consequences" attending the residence of the pauper in the workhouse, may be instanced, the removability of the pauper by union or parish A., the place of burial, and the right to burial fees in the event of death. There is, however, an omission to provide expressly for the registration of births and deaths, as in the case of asylums, *ante*, sect. 24. Probably births and deaths occurring amongst paupers sent from union or parish A. will have to be registered in the district in which the workhouse of union or parish B. is situate.

The right of inspection of the workhouse is larger than that conferred upon guardians with respect to the workhouse of their own union or parish, which they cannot claim as of right to inspect unless they are members of the workhouse visiting committee. See article 148 of the General Consolidated Order of the Poor Law Commissioners and note thereon in the 5th ed. of Glen's Poor Law Board Orders.

Lands.

Application
of 5 & 6
Will. 4,
c. 60.

51. The provisions of the Act of the session of the fifth and sixth years of the reign of King William the Fourth (chapter sixty-nine) "to facilitate the conveyance of workhouses and other property of parishes, and of incorporations or unions of parishes, in England and Wales," relative to the acquisition of sites or buildings for workhouses, and of all Acts extending or amending the same, shall apply to lands and buildings required to be purchased, hired, or otherwise acquired for any of the purposes of this Act, and shall have effect as if managers under this Act were guardians, and as if an asylum or dispensary were a workhouse (*h*).

Incorporation
of Lands
Clauses Acts.

52. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860 (in this Act referred to as the Lands Clauses Acts) are hereby incorporated with this Act, and for the purposes of this Act the term the promoters of the undertaking used in those Acts shall mean managers or guardians desirous of purchasing lands for purposes of this Act; and in those Acts and this Act the term lands shall include any estate, term, easement, right, or interest in, over, or affecting lands (*i*).

Provisions as
to compulsory
purchase of
land.

53. So much of the Lands Clauses Acts as relates to the purchase of lands otherwise than by agreement shall not be put in force except

(*h*) See these several Acts in the Appendix.

(*i*) The Lands Clauses Acts are not inserted in the Appendix, but they may readily be referred to in the 4th ed. of Glen's Law of Public Health and Local Government.

for the purchase of lands for the purpose of enlarging a workhouse, hospital, or school existing at the passing of this Act, and then not without a previous order of the Poor Law Board directing such purchase.

54. Before the Poor Law Board make any such order the managers or guardians applying to them for the same shall publish once at least in each of four consecutive weeks in a daily morning newspaper published in the metropolis an advertisement stating the object for which the lands are proposed to be taken, and the quantity of lands required, and the place where a plan of the lands is open for inspection at reasonable hours, and shall, four weeks before the application to the Poor Law Board serve notices on the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, stating the particulars thereof, and that the managers or guardians are willing to treat for purchase thereof (k).

Notice of application as to lands.

Contributions of Unions and Parishes.

55. Sums to be contributed under this Act by unions and parishes shall be assessed on and contributed by them respectively in proportion to the annual rateable value of the property therein comprised, to be determined according to the valuation lists, or, where there are none, according to the latest poor rate for the time being for the union or parish, or on

Basis of contribution.

(k) In what way the plan is to be procured, if the owner or occupier should refuse access to the premises for the purpose of the necessary survey does not appear.

such other basis as the Poor Law Board from time to time direct.

Calls for contributions by managers and district boards.

56. The managers of an asylum under this Act, and the district board constituted under the Poor Law Amendment Act of 1844 for the maintenance of a district school, shall from time to time call on the guardians of the unions and parishes forming the district for such contributions as the managers or district board consider requisite for the purposes of the asylum or school.

Notice of call for contributions.

57. Notice in writing of the amount of every such contribution, purporting to be signed by the clerk or other officer of the managers or district board (in a form from time to time prescribed by the Poor Law Board by order), shall fourteen days at least before such contribution becomes due be delivered to the clerk or acting clerk of the guardians of each union and parish liable to the contribution, either by post in a letter addressed to him at the office of the union or parish or otherwise.

Remedies for recovery of contributions.

58. If the contribution is not duly paid the managers or district board shall (in addition to any other remedy which any person has for the time being against guardians) have the like remedy for recovery of the contribution, or of so much thereof as is not paid, from the overseers or other officers authorized to levy poor rates in the several parishes (whether comprised in a union or not) in the district, as guardians have for the time being for recovery from overseers of contributions of parishes; and if the overseers of any parish in a union pay any money to the managers or district board on account of such contribution they shall be en-

titled to credit for such payment in the accounts of the union with their parish (a).

Medical In-door Relief.

59. In order to facilitate provision for the appointment, where requisite, of resident workhouse medical officers, and for better classification and management of the sick poor in a separate hospital or building, or in an infirmary kept distinct from the rest of the workhouse, the Poor Law Board may, by order, determine, or from time to time vary as they think fit, any contract with any medical or other workhouse officer existing at the passing of this Act, and direct the guardians to pay to a medical or other officer affected thereby such compensation by way of increased salary, or of an annuity, or of a gross sum, or otherwise, as the Poor Law Board think fit (b).

Determina-
tion or vari-
ation of con-
tracts with
workhouse
medical
officers.

(a) See 2 & 3 Vict. c. 84, s. 1; 7 & 8 Vict. c. 101, s. 63, and 12 & 13 Vict. c. 103, s. 7, in the Appendix, as to the recovery of contribution orders from overseers. If the overseers of a parish in a union should be compelled to pay the money under this section, they will be entitled to treat the amount which they pay to the managers as a set-off to the next contribution order that may be made upon them by the guardians of the union. Not so, however, if the parish be not in a union, but under a separate board of guardians.

(b) The Poor Law Board may determine any "contract" with the medical officer in such case, and this would doubtless extend to determining his *appointment* as an officer of the union or parish. The contract to be determined must be *existing* at the passing of the Act, i. e. on the 29th day of March, 1867. See sect. 46, *ante*, p. 23.

Houseless Poor.

Repeal of
reimburse-
ment by
metropolitan
board.

60. Sections one and two of the Metropolitan Houseless Poor Act, 1864, shall from and after the twenty-ninth day of September one thousand eight hundred and sixty-seven be repealed, except with respect to any claims under that Act then outstanding, which shall be provided for as if that Act continued wholly in force.

Metropolitan Common Poor Fund.

Establish-
ment of
metropolitan
common
poor fund.

61. There shall be a fund called the Metropolitan Common Poor Fund, raised according to the provisions of this Act by contributions from the several unions, parishes, and places in the metropolis (in this Act referred to as the Common Poor Fund).

Appointment
of Receiver
of common
fund.

62. There shall be a Receiver of the Common Poor Fund (in this Act referred to as the Receiver), who shall be from time to time appointed by and shall be removeable by the Poor Law Board, and shall receive such salary and give such security (if any) as the Poor Law Board direct.

Receiver
to open
account at
Bank of
England.

63. The Receiver shall open an account with the governor and company of the Bank of England, intituled The Account of the Receiver of the Metropolitan Common Poor Fund for the time being.

Assessment
of contribu-
tions to
common
fund.

64. The Poor Law Board shall from time to time assess on the several unions and parishes in the metropolis the amounts of their respective contributions to the Common Poor Fund, in proportion to the annual rateable value of the property therein comprised, to be determined according to the valuation lists, or, where

there are none, according to the latest poor rate for the time being for the union or parish, or on such other basis as the Poor Law Board from time to time direct.

65. The Poor Law Board shall from time to time issue to the guardians of each union or parish a precept under the seal of the board requiring them to pay the amount of their contribution therein specified, in the manner and within the time therein prescribed, and the guardians shall accordingly raise the amount of their contribution out of the poor rates of the union or parish, and shall pay the same into the Bank of England to the credit of the account of the Receiver; and no such precept shall be liable to be removed into any court of law by *certiorari* or otherwise, nor shall any order of the guardians, or any rate made after the passing of this Act, be liable to question in any such court on the ground of its having been made wholly or partly in furtherance of any such precept: Provided always, that the guardians shall be entitled to have credit in part payment of their contribution for the amount which may be repayable to them out of the Common Poor Fund, under the precept of the Poor Law Board, as hereinafter mentioned, in respect of expenditure during the preceding half year (c). Collection of common fund.

(c) The proviso to this section will obviate the necessity, when the arrangement comes into effect, of a double taxation of the ratepayers to the amount of the claim which the guardians will have upon the Common Poor Fund under sect. 70, *post*. The proviso was introduced in committee on the bill. It will operate something like the Clearing-house system. The right of appeal against any poor rate is not otherwise interfered with than on the ground stated in the section.

Collection of
contribu-
tions by
local autho-
rity where
no poor rate.

66. In order to obtain payment of the amount of the contribution to the Common Poor Fund payable in respect of any place where there is no poor rate, the Poor Law Board shall from time to time issue to the masters of the bench, treasurer, governors, or other body or persons having the chief controul or authority there, a precept requiring them or him to pay the amount of contribution therein specified, in the manner and within the time therein prescribed, and they or he shall pay the same accordingly (d).

Levying of
local rate by
authority.

67. In every such place the masters of the bench, treasurer, governors, or other body or persons, may levy on the several persons occupying rateable property therein the amount of contribution so paid by them or him by means of a rate in the nature of a poor rate, and for that purpose may employ and remunerate collectors, and shall have the like powers as are for the time being vested in overseers for the purposes of the making, assessing, levying, and collecting of poor rate (e).

(d) This section will apply to Charter-House, the Inner and Middle Temple, which by 20 Vict. c. 19, s. 3, are excluded from being placed in any union, but which are parishes for the relief of their own poor. They will now contribute to the Common Poor Fund of the Metropolis, but will not be placed in any asylum district.

The following places in the metropolis have no overseers or other authority appointed to levy poor rates in them, namely, the Close of the Collegiate Church of St. Peter, the Precincts of the Abbey of St. Peter, the Verge of the Palace of St. James, Whitehall, and the Tower of London. There is also a piece of land locally in the parish of Paddington, but supposed to be extra-parochial, known as the burial ground of St. George, Hanover Square. Probably, however, it does not contain any rateable property.

(e) The rate in the nature of a poor rate levied under

68. If any contribution to the Common Poor Fund required by the Poor Law Board to be paid by any guardians, masters of the bench, treasurer, governors, or other body or persons, is not duly paid, the Receiver shall (in addition to any other remedy which any person has for the time being against guardians) have the like remedy for recovery from them or him, in the Receiver's own name, of the contribution, or of so much thereof as is not paid, as guardians have for the time being for recovery from overseers of contributions of parishes; and for that purpose the precept of the Poor Law Board requiring the contribution shall be conclusive evidence of the amount thereof and of the liability thereto of the party sued (*f*).

Remedies
for recovery
of contribu-
tions.

69. Expenses incurred for the following purposes after the twenty-ninth day of September one thousand eight hundred and sixty-seven shall be repaid out of the Common Poor Fund, that is to say (*g*),—

Application
of common
fund.

- (1.) For the maintenance of lunatics in asylums, registered hospitals, and licensed houses, and of insane poor in

this section, and the accounts relating thereto, will not be subject to audit by the district auditor, as the places in which it will be levied are not in any audit district formed under 7 & 8 Vict. c. 101, s. 32.

(*f*) See section 58, *ante*, and the statutes referred to in the note thereon.

(*g*) The excepted expenses are the costs of the maintenance of lunatics who are chargeable on the county under 16 & 17 Vict. c. 97, s. 98. That section will not apply to insane poor sent to an asylum under this Act. But now the expenses of all lunatics in county asylums, &c., which were formerly borne by guardians in the metropolis, will be borne by the Common Poor Fund. The primary liability of the guardians to the asylums for the costs of maintenance will, however, still continue.

asylums under this Act, except such expenses as are chargeable on the county rate :

- (2.) For the maintenance of patients in any asylum specially provided under this Act for patients suffering from fever or small-pox :
- (3.) For all medicine and medical and surgical appliances supplied to the poor in receipt of relief by guardians under this Act or any of the Poor Law Acts (z) :
- (4.) For the salaries of all officers employed by the guardians in and about the relief of the poor by the managers of district schools under "The Poor Law Amendment Act, 1844," and by the managers of asylums under this Act, and also the salaries of the dispensers and other persons employed in dispensaries under this Act, provided the appointments of the officers have been sanctioned by the Poor Law Board (a) :
- (5.) For compensation to any medical officer of a workhouse affected by the determination or variation by the Poor Law Board of a contract respecting medical relief in the workhouse, or for compen-

7 & 8 Vict.
c. 101.

(z) In construing Article 227 of the General Consolidated Order of the Poor Law Commissioners, elastic bandages and trusses were considered surgical appliances, so also a pessary, which is in the nature of a truss. See Glen's Poor Law Board Orders, 5th edition, p. 197.

(a) *Quære*, whether the net salaries only will be repaid out of the Common Poor Fund, after deducting from the gross amount the repayments made to the guardians out of the parliamentary grant, in respect of the medical officers and workhouse schoolmasters and schoolmistresses' salaries.

sation to any officer of a union or parish who may be deprived of his office by reason of the operation of this Act (b) :

- (6.) For fees for registration of births and deaths (c) :
- (7.) For fees for and other expenses of vaccination (d) :
- (8.) For maintenance of pauper children in district, separate, certificated, and licensed schools (e) :
- (9.) For relief of destitute persons certified by the auditor, and provision of temporary wards or other places of reception approved by the Poor Law Board, under the Metropolitan Houseless Poor Acts of 1864 and 1865. 7 & 8 Vict.
c. 116.

28 & 29 Vict.
c. 31.

(b) See ss. 45, 46, *ante*, pp. 22, 23, and s. 76, *post*, p. 40.

(c) See 6 & 7 Will. 4, c. 86, s. 29, in Glen's Acts for the Registration of Births, Deaths, and Marriages.

(d) See 3 & 4 Vict. c. 29; 4 & 5 Vict. c. 32; 16 & 17 Vict. c. 100, and the other Acts relating to this subject in Fry's Vaccination Acts, second edition, 1865.

(e) District schools are those established under 7 & 8 Vict. c. 101, s. 40; "separate" schools, are those which have been provided by unions and parishes in the metropolis apart from workhouses in which the general poor are relieved; "certified" schools, will include those certified by the Poor Law Board under 25 & 26 Vict. c. 43, s. 2; but it does not appear what "licensed schools" are referred to. See note to s. 69 (4), *supra*; but *quære*, whether under this section the guardians would not be entitled to be repaid the "whole amount (of salaries) actually expended" (see s. 70, *post*) during the preceding half-year, out of the Common Poor Fund, and whether in that case they would have any claim upon the Treasury for repayment of salaries of medical officers and workhouse school-masters and school-mistresses.

As to the repayment of the guardians, see the proviso to section 65, *ante*, p. 33. The fund to which the repayment will be applied will in the case of a union be the common fund.

Mode of
repayment
out of
common
fund.

70. After each half-yearly audit the auditors shall, within such time and in such manner as the Poor Law Board, from time to time direct, certify to the Poor Law Board the amount actually expended by each union or parish in respect of expenses which are to be repaid out of the Common Poor Fund; and the Poor Law Board shall, by precept under the seal of the board direct the Receiver to repay out of that fund to the guardians of the unions and parishes the several sums so expended, and the amount repaid shall be applied by them in aid of the fund chargeable with the relief of the poor.

Receiver's
salary, &c.

71. The salaries of the Receiver and his Assistants, and all expenses incurred by him in the execution of this Act, shall be paid out of the Common Poor Fund (f)

Drawing on
receiver's
account.

72. The account of the Receiver at the Bank of England shall be drawn on in such manner and according to such regulations as the Poor Law Board from time to time by order direct.

Poor Relief under Local Acts.

Constitution
of guardians
for parishes
under local
Acts.

73. The relief of the poor of every union or parish in the metropolis governed by a local Act shall, from and after a day to be stated in an order of the Poor Law Board in relation to each union or parish, be, notwithstanding anything in such local Act, administered by a board of guardians elected according to the

(f) No provision is made by the Act for the superannuation of the Receiver and his assistants.

(g) As to the Receiver's Account with the Bank of England, see s. 63, *ante*, p. 32.

Poor Law Acts, and in conformity with an order of the Poor Law Board (*h*).

74. The guardians so constituted under this Act, notwithstanding anything in any local Act, shall have the same powers and authorities, and shall be subject to the same orders, regulations, and restrictions, as guardians elected under the Poor Law Act.

Powers of new board of guardians.

75. The workhouses, goods, effects, and real and personal property belonging to a union or parish governed by a local Act, and held or used for purposes of the relief of the poor or of the business of guardians, shall by virtue of this Act be transferred to and vested in and belong to the guardians of the union or parish when constituted under this Act, and shall be held and used for purposes of such relief and business, and upon such other trusts and for such other purposes as would have been applicable to the same if this Act had not passed; and those guardians shall pay and discharge the debts and liabilities lawfully incurred in and about such relief, or otherwise due from the previous guardians of the union or parish, as the same ought to have been paid and discharged by the previous guardians if this Act had not been passed; provided that the Poor Law Board

Transfer of property to new guardians.

(*h*) The parishes which will be affected by this section are those marked with an asterisk, *ante*, p. 3. St. Giles-in-the-Fields and St. George Bloomsbury, St. Margaret and St. John, Westminster, are the only places to which the term "union" in this section could apply.

The local authorities constituted by the local Acts will not, under this section, be interfered with, except as regards the relief of the poor which will devolve upon the board of guardians to be elected for each under the Poor Law Acts. See s. 77, *post*, p. 40. If they should have no other functions, of course they will be practically abolished.

may, if they think fit, by order, extend the time of payment of any such debt for a period not exceeding six months from the date of the order (i).

Continuance
of existing
officers.

76. Officers and persons appointed or acting under any such local Act for any purpose of the relief of the poor, or otherwise in the service of the guardians, and superintendent registrars of births, deaths, and marriages, and registrars of births and deaths, and registrars of marriages, shall be entitled to continue in office after the constitution of the new board of guardians under this Act to the same extent as if this act had not been passed; and their service before the constitution of that board shall be reckoned in the computation of any superannuation allowance to which they may become entitled: Provided that in case any officer of a union or parish shall be deprived of his office by reason of the operation of this Act, the Poor Law Board may award to him such compensation for the loss of his office and its emoluments, either by way of gross sum or by way of annuity, as to them shall seem reasonable.

Saving for
rating powers
of existing
bodies.

77. Nothing in this Act shall deprive any body constituted under a local Act of any power

(i) All other property held by the local authority of the parish, constituted by the local Act, for any other purpose than the relief of the poor or of the business of guardians, will continue vested in such local authority; and all property which becomes vested in the guardians by virtue of this section, is to be held and used by them for purposes of relief and business "and upon such other trusts, and for such other purposes as would have been applicable to the same as if this Act had not passed."

The proviso to this section would, if acted upon by the Poor Law Board, revive the debt, though barred by statute 22 & 23 Vict. c. 49, s. 1.

thereby vested in them of making and levying poor rates; and in relation to guardians constituted under this Act, every body shall be deemed overseers within the Poor Law Acts as far as regards liability to payment of contributions required by guardians for purposes of the relief of the poor in the union or parish.

78. So much of section sixty-four of the Poor Law Amendment Act of 1844, as prevents the union of parishes governed by local Acts, without consent of the guardians, and section sixty-five of that Act, are hereby repealed as far as they relate to the metropolis (*k*).

Part of
sects. 64
and 65, of
7 & 8 Vict.
c. 101.
repealed.

Boards of Guardians.

79. The Poor Law Board may from time to time nominate to be members of a board of guardians of a union or parish in the metropolis (whether elected under the Poor Law Acts or constituted under this Act) such persons as they think fit from among justices of the peace for any county or place resident in the union or parish, or from among ratepayers resident therein and assessed to the poor rate therein on an annual rateable value of not less than forty pounds, or partly from one and partly from the other, but so that the number of guardians so nominated do not, together with the *ex-officio* guardians, ever exceed one-third of the full number of the elected guardians (*k*).

Power to
Poor Law
Board to
nominate
additional
Guardians.

Officers.

80. In case at any time any managers of an asylum or dispensary committee under this Act, or any board of guardians of a union or parish

Appointment
of officers on
failure of
managers,
&c.

(*k*) See note to sect. 11, *ante*, p. 8.

in the metropolis, fail, for fourteen days after receipt of a requisition of the Poor Law Board in this behalf, to appoint (either originally or on a vacancy) any officer whom they are by law required or authorized to appoint, then at any time after the expiration of that period of fourteen days the Poor Law Board may, if they think fit, by order, appoint a fit person to be such officer; and the person so appointed shall have and perform all the same powers, rights, privileges, and duties as if the appointment had been duly made by the managers, committee, or guardians, as the case may be.

Borrowing.

Extension of borrowing powers.

81. Where the guardians of a union or parish in the metropolis require to borrow money for the purposes and under the authority of the Poor Law Acts, the principal sum borrowed may be any sum not exceeding one-half of the aggregate amount of the rates raised for the relief of the poor in that union or parish within three years ending on the twenty-fifth day of March next preceding the borrowing of the money, anything in the said Acts to the contrary notwithstanding (*l*).

Provision for orders of removal and of maintenance.

82. Nothing in this Act contained shall prevent any board of guardians or churchwardens and overseers from obtaining any order of removal, or any order of maintenance in respect of any pauper by reason of the costs and expenses of such pauper being repaid out of the common fund (*m*).

(*l*) See sect. 17, *ante*, p. 10, and 4 & 5 Will. 4, c. 76, s. 24; and 7 & 8 Vict. c. 101, s. 30, in the Appendix.

(*m*) See sect. 50 (2) *ante*, p. 27, and note thereon.

APPENDIX.

4 & 5 WILL. 4, CAP. 76.

*An Act for the Amendment and better Administration
of the Laws relating to the Poor in England and
Wales.*

[14th August, 1834.]

XXI. Except where otherwise provided by this Act, all the powers and authorities given in and by a certain Act of Parliament passed in the twenty-second year of the reign of His late Majesty King George the Third, intituled "An Act for the better Relief and Employment of the Poor," and in and by a certain other Act passed in the fifty-ninth year of the reign of His said late Majesty, intituled "An Act to amend the Laws for the Relief of the Poor," and all Acts for amending such Acts respectively, and also all the powers and authorities given by every other Act of parliament, general as well as local, for or relating to the building, altering, or enlarging of poor-houses and work-houses, and to the acquiring, purchasing, hiring, holding, selling, exchanging, and disposing thereof, or of land whereon the same may have been or may hereafter be erected, and of preparing such houses for the reception of poor persons, and the dieting, clothing, employing, and governing of such poor, and the raising or borrowing of money for any of the purposes aforesaid, and for repaying the same, and all powers of regulating and conducting all other workhouses whatsoever, and of governing, providing for, and employing the poor therein, and all powers auxiliary to any of the powers aforesaid, or in any way relating to the relief of the poor, shall in future be exercised by the persons authorized by law to exercise the same, under the control, and subject to the rules, orders, and regulations of the said Commissioners.

Powers of 22
Geo. 3, c. 83,
59 Geo. 3,
c. 12, and of
all other Acts
relating to
workhouses,
and to bor-
rowing
money, to be
exercised
under control
of commis-
sioners, and
be subject to
their orders.

* * * *

Commissioners not to order the building or hiring of workhouses, except under limitations.

Provided always, that nothing herein contained shall be construed to give the said commissioners or assistant commissioners any power to order the building, purchasing, hiring, altering, or enlarging of any workhouse, or the purchasing or hiring of any land at the charge or for the use of any parish or union, save and except so far as such powers are expressly given by this Act.

Commissioners empowered to order workhouses to be built, hired, altered, or enlarged, with consent, &c.

XXIII. It shall be lawful for the said commissioners, and they are hereby empowered, from time to time when they may see fit, by any writing under their hands and seal, by and with the consent in writing of a majority of the guardians of any union, or with the consent of a majority of the rate-payers and owners of property entitled to vote in manner hereinafter prescribed, in any parish, such last-mentioned majority to be ascertained in manner provided in and by this Act, to order and direct the overseers or guardians of any parish or union not having a workhouse or workhouses to build a workhouse or workhouses, and to purchase or hire land for the purpose of building the same thereon, or to purchase or hire a workhouse or workhouses, or any building or buildings for the purpose of being used as or converted into a workhouse or workhouses; and with the like consent, to order and direct the overseers or guardians of any parish or union having a workhouse or workhouses, or any buildings capable of being converted into a workhouse or workhouses, to enlarge or alter the same in such manner as the said commissioners shall deem most proper for carrying the provisions of this Act into execution, or to build, hire or purchase any additional workhouse or workhouses, or any building or buildings for the purpose of being used as or converted into a workhouse or workhouses, or to purchase or hire any land for building such additional workhouse or workhouses thereon, of such size and description, and according to such plan, and in such manner as the said commissioners shall deem most proper for carrying the provisions of this Act into execution; and the overseers and guardians to whom any such order shall be directed are hereby authorized and required to assess, raise, and levy such sum or sums of money as may be necessary for the purposes specified in such order, by such powers, ways, and means as are now by law given to or vested in churchwardens and overseers or guardians of the poor for purchasing or hiring land, or for building, hiring, and maintaining workhouses for the use of the poor, in their respective parishes or unions, or to borrow money for such purposes under the provisions of this or any other Act.

Sums to be raised for purposes of building

XXIV. For the better and more effectually securing the repayment of any sum or sums of money which may be borrowed for the purposes aforesaid, with interest, it shall be

lawful for the said overseers or guardians to charge the future poor rates of such parish or union with the amount of such sum or sums of money: Provided always, that the principal sum or sums to be raised for such purposes, whether raised within the year or borrowed, shall in no case exceed the average annual amount of the rates raised for the relief of the poor in such parish or union for three years ending at the Easter next preceding the raising of such money, and that any loan or money borrowed for any of the purposes aforesaid shall be repaid by annual instalments of not less than one-tenth of the sum borrowed, with interest on the same, in any one year.

workhouses to be charged on poor rates; not to exceed one year's amount of poor rates.

LI. So much of a certain Act, made and passed in the fifty-fifth year of the reign of his said late Majesty King George the Third, intituled "An Act to prevent poor Persons in Workhouses from Embezzling certain Property provided for their Use; to alter and amend so much of an Act of the thirty-sixth year of His present Majesty as restrains Justices of the Peace from ordering Relief to Poor Persons in certain Cases for a longer Period than one Month at a Time; and or other Purposes therein mentioned, relating to the Poor," (a) as inflicts a penalty on persons having the management of the poor if concerned in providing or in any contract for the supply of any goods, materials, or provisions, for the use of any workhouse or workhouses, or otherwise for the support or maintenance of the poor for their own profit, and all remedies for the recovery of such penalties, shall apply and the same are hereby extended and made applicable to every commissioner, assistant commissioner, guardian, treasurer, master of a workhouse, or other officer to be appointed under the provisions of this Act.

The penalty imposed by 55 Geo. 3, c. 137, on persons having the management of the poor being concerned in any contract extended to persons appointed under this Act.

(a) 55 Geo. 3, cap. 137, s. 6 :

From and after the twenty-fifth day of March next after the passing of this Act, no churchwarden or overseer of the poor, or other person or persons in whose hands the collection of the rates for the relief of the poor, or the providing for, ordering, management, controul, or direction of the poor of any parish or parishes, township or townships, hamlet or hamlets, place or places, shall or may be placed jointly with, or independent of such churchwardens and overseers, or any of them, under or by virtue of any Act or Acts of parliament, shall, either in his own name, or in the name of any other person or persons, provide, furnish, or supply, for his or their own profit, any goods, materials, or provisions, for the use of any workhouse or workhouses or otherwise, for the support and maintenance of the poor, in any parish or parishes, township or townships, hamlet or hamlets, place or places, for which he or they shall be appointed as such, during the time which he or they shall retain such appointment, nor shall be concerned directly or indirectly in furnishing or supplying the same, or in any contract or contracts relating thereto, under pain of forfeiting the sum of one hundred pounds, with full costs of suit, to any person or persons who shall sue for the same by action of debt, or on the case, in any of His Majesty's

No person employed in administration of poor laws to furnish, for his own profit, goods or provisions given in parochial relief.

LXXVII. It shall not be lawful for any person hereafter to be appointed in any parish or union to any office concerned in the administration of the laws for the relief of the poor, or for any person who after the twenty-fifth day of March one thousand eight hundred and thirty-five shall fill any such office, to furnish or supply, for his own profit or on his own account, any goods, materials, or provisions ordered to be given in parochial relief, or to furnish or supply any goods, materials, or provisions for or in respect of the money ordered to be given in parochial relief to any person in such parish or union; and every person holding such office shall, on conviction before any two justices of the peace, be subject to a

Courts of Record at Westminster, in which action or actions no essoin, protection, wager of law, or more than one imparlance shall be allowed: Provided nevertheless, that if it shall happen in any parish or parishes, township or townships, hamlet or hamlets, place or places, that a person or persons competent and willing to undertake the supply of any of the articles or things required for such workhouse or workhouses, or for the use of the poor there, cannot be found within a convenient distance therefrom, other than and except some or one of the churchwardens and overseers of the poor, or other person or persons having the ordering, managing, controul, or direction of the poor, in such parish or parishes, township or townships, hamlet or hamlets, place or places, then and in every such case it shall and may be lawful to add for any two or more neighbouring justices of the peace (proof thereof having been first duly made before them upon oath, and which oath such justices or any one of them are and is hereby authorized and empowered to administer) by certificate under their hands and seals, to permit and suffer any one of more of such churchwardens and overseers or other such person or persons as aforesaid, to contract and agree for the furnishing and supplying of any articles or things which may be required for such workhouse or workhouses, or otherwise, for the use of the poor of such parish or parishes, township or townships, hamlet or hamlets, place or places during the time which he or they may retain such appointment, any thing herein contained to the contrary notwithstanding: and such certificate shall be entered with the clerk of the peace, or town-clerk of the county, city, town, or district, in which such person or persons shall reside, and a copy thereof left with him, for which entry, every such clerk shall receive one shilling and no more; and from that time, every person and persons named in any such certificate, shall be discharged from any penalty to which he or they would otherwise be liable under this Act, for furnishing or supplying any such articles or things as aforesaid; and in case any action or suit for the recovery of any such penalty as aforesaid shall be commenced against any person or persons to whom such certificate shall have been granted as aforesaid, it shall and may be lawful to and for such person or persons to plead generally, that he or they was or were duly discharged from any liability to such forfeiture, by a certificate granted according to the provisions of this Act; and upon due proof being given of such certificate, and of such entry thereof as aforesaid, the jury shall find a verdict for the defendant in such action or suit, and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action, or if verdict shall pass against him, her, or them, or if judgment shall be had against him, her, or them, on demurrer, then the defendant or defendants in such action shall have double costs, and have such and the like remedy for the recovery of the same, as any defendant or defendants have or hath for recovering costs of suit in any other cases by law.

penalty of five pounds for such offence, one half of which penalty shall be paid to the informer and the other half in aid of the poor rates of such parish or union.

XCV. In case any overseer, assistant overseer, master of a Penalties on workhouse, or other officer of any parish or union, shall wilfully disobey the legal and reasonable orders of such justices overseers and other officers dis- and guardians in carrying the rules, orders, and regulations obeying of the said commissioners or assistant commissioners, or the guardians. provisions of this Act, into execution, every such offender shall, upon conviction before any two justices, forfeit and pay for every such offence any sum not exceeding five pounds.

XCVIII. In case any person shall wilfully neglect or dis- Penalty on obey any of the rules, orders, or regulations of the said com- persons wil- missioners or assistant commissioners, or be guilty of any con- fully dis- tempt of the said commissioners sitting as a board, such person obeying rules, orders and regu- shall, upon conviction before any two justices, forfeit and pay lations. for the first offence any sum not exceeding five pounds, for the second offence any sum not exceeding twenty pounds nor less than five pounds, and in the event of such person being convicted a third time, such third and every subsequent offence shall be deemed a misdemeanor, and such offender shall be liable to be indicted for the same offence, and shall on conviction pay such fine, not being less than twenty pounds, and suffer such imprisonment, with or without hard labour, as may be awarded against him by the court by or before which he shall be tried and convicted.

XCIX. All penalties and forfeitures by this Act inflicted or Forfeitures, costs, and authorized to be imposed for any offence against the same shall, upon proof and conviction of the offences respectively be levied by before any two justices, either by the confession of the party distress and sale. offending, or by the oath of any credible witness or witnesses (which oath such justices are in every case hereby fully authorized to administer), or upon order made as aforesaid, be levied, together with the costs attending the information, summons, and conviction, by distress and sale of the goods and chattels of the offender or person liable or ordered to pay the same respectively, by warrant under the hands of the justices before whom the party may have been convicted, or on proof of such conviction, by a warrant under the hands of any two justices acting for the county, riding, or division (which warrant such justices are hereby empowered and required to grant); and the overplus (if any), after such penalties and forfeitures, and the charges of such distress and sale, are deducted, shall be returned, upon demand, unto the owner or owners of such goods and chattels; and in case such fines, penalties, and forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such justices as aforesaid to

order the offender or offenders so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security, to the satisfaction of such justices as aforesaid, for his or their appearance before such justices on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than seven days from the time of taking any such security, and which security the said justices as aforesaid are hereby empowered to take by way of recognizance or otherwise; but if upon the return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for any such justices as aforesaid, as the case may be, and they are hereby authorized and required, by warrant or warrants under their hands, to cause such offender or offenders to be committed to the common gaol or house of correction of the county, riding, or place where the offender shall be or reside, there to remain, without bail or mainprize, for any term not exceeding three calendar months, unless such penalties and forfeitures, and all reasonable charges attending the same shall be sooner paid and satisfied; and the penalties and forfeitures, when so levied, shall be paid to or for the use of the parish or union where such offence shall have been committed, to be applied in aid of the poor rate of such parish or union.

In what
manner to
be applied.

Interpreta-
tion clause.

CIX. In the construction of this Act the word "auditor" shall be construed to mean and include every person, other than justices of the peace acting in virtue of their office, appointed or empowered to audit, control, examine, allow, or disallow the accounts of any guardian, overseer, or vestryman, relating to the receipt or expenditure of the poor rate; the words "general rule" shall be construed to mean any rule relating to the management of the poor or to the execution of this Act which shall at the time of issuing the same be addressed by the said commissioners to more than one union, or to more parishes or places than one not forming a union, or not to be formed into or added to a union under or by virtue of such rule; the word "guardian" shall be construed to mean and include any visitor, governor, director, manager, acting guardian, vestryman, or other officer in a parish or union, appointed or entitled to act as a manager of the poor, and in the distribution or ordering of the relief to the poor from the poor rate, under any general or local Act of parliament; words "justice or justices of the peace" shall be construed to include justices of the peace of any county, division of a county, riding, borough, liberty, division of a liberty, precinct, county of a city, county of a town, cinque port, or town corporate, unless where otherwise provided by this Act: the word "oath" shall be construed to include the affirmation

of a Quaker, Separatist, or Moravian; the words "orders and regulations" shall be construed to mean and include any rule, order, regulation, or bye law relating to the management or relief of the poor, or the execution of this Act, which at the time of issuing the same shall be addressed, directed, or applied to any one parish or union, or to any number of parishes which have been or by virtue of any order shall be constituted a union or added to a union; the word "officer" shall be construed to extend to any clergyman, schoolmaster, person duly licensed to practice as a medical man, vestry clerk, treasurer, collector, assistant overseer, governor, master or mistress of a workhouse, or any other person who shall be employed in any parish or union in carrying this Act or the laws for the relief of the poor into execution, and whether performing one or more of the above-mentioned functions; the word "overseer" shall be construed to mean and include overseers of the poor, churchwardens, so far as they are authorized or required by law to act in the management or relief of the poor, or in the collection or distribution of the poor rate, assistant overseer, or any other subordinate officer, whether paid or unpaid, in any parish or union, who shall be employed therein, in carrying this Act or the laws for the relief of the poor, into execution; the word "owner" shall be construed to include any person for the time being in the actual occupation of any property rateable to the relief of the poor, and not let to him at rack rent, or any person receiving the rack rent of any such property, either on his own account, or as mortgagee, or other incumbrancer in possession; and the words "rack rent" shall be construed to mean any rent which shall not be less than two-thirds of the full improved net annual value of any property; the word "parish" shall be construed to include any parish, city, borough, town, township, liberty, precinct, vill, village, hamlet, tithing, chapelry, or any other place, or division or district of a place, maintaining its own poor, whether parochial or extra-parochial; the word "person" shall be construed to include any body politic, corporate, or collegiate, aggregate or sole, as well as any individual; the word "poor" shall be construed to include any pauper or poor or indigent person applying for or receiving relief from the poor rate in England or Wales, or chargeable thereto; the words "poor law" or "laws for the relief of the poor," shall be construed to include every Act of parliament for the time being in force for the relief or management of the poor, or relating to the execution of the same, or the administration of such relief; the words "poor rate" shall be construed to include any rate, rate in aid, mulct, cess, assessment, collection, levy, ley, subscription or contribution raised, assessed, imposed, levied, collected, or disbursed for the relief of the poor in any parish or union; that the words "general quarter

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22 Geo. 3,
c. 83.

sessions" shall extend to and be construed to include general or quarter sessions, or adjournment thereof for any county, division of a county, riding, borough, liberty, division of a liberty, precinct, county of a city, city, county of a town, cinque port, or town corporate, unless where otherwise provided by this Act; the word "union" shall be construed to include any number of parishes united for any purpose whatever under the provisions of this Act, or incorporated under the said Act made and passed in the twenty-second year of His late Majesty King George the Third, intituled "An Act for the better Relief and Employment of the Poor," or incorporated for the relief or maintenance of the poor under any local Act; the words "united workhouse" shall be construed to mean and include any workhouse of a union; the word "vestry" shall be construed to mean any open, customary, or select vestry, or any meeting of inhabitants convened by any notice such as would have been required for the assembling of a meeting in vestry, at which meeting any business relating to the poor or the poor rate shall be transacted or taken into consideration, so far as such business is concerned; the word "workhouse" shall be construed to include any house in which the poor of any parish or union shall be lodged and maintained, or any house or building purchased, erected, hired, or used at the expense of the poor rate, by any parish, vestry, guardian, or overseer, for the reception, employment, classification, or relief of any poor person therein at the expense of such parish; and wherever in this Act, in describing any person or party, matter or thing, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as males, and several matters or things as well as one matter or thing, respectively, unless there be something in the subject or context repugnant to such construction.

5 & 6 WILL. 4, CAP. 69.

An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations or Unions of Parishes in England and Wales.

[9th September, 1835.]

"WHEREAS there are certain legal difficulties attending the title, purchase, sale and disposal of property, which, with respect to workhouses and other property belonging to

parishes, incorporations, or unions, it is expedient to remove; and it is also expedient to simplify the assurances for the conveyance, exchange, or transfer of such property:" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for the commissioners of the King's Majesty's woods, forests, and land revenues, by and with the consent in writing of the lord high treasurer or the commissioners of His Majesty's treasury, or any three or more of them, and for His Majesty, by any grant signed by the chancellor of the Duchy of Lancaster and for the Duke of Cornwall, by any grant signed by the chancellor of that duchy, to grant, and for the guardians and overseers of the poor of any parish or union of parishes under the direction and with the approbation of the poor law commissioners for England and Wales (to be testified by order under their hands and seal), and for any lay or ecclesiastical corporation, aggregate or sole, and for any feoffees or trustees to charitable or other uses, and for any person beneficially seised or entitled in possession as tenant in fee simple, or in fee tail, general or special, or for his own life, or for years determinable on his own life (such estate for life, or years not being subject to any rent), or for any term of years in gross whereof not less than four hundred shall be unexpired, and subject to no equity of redemption or rent, except a nominal rent, and for any married woman entitled or interested as aforesaid to her separate use, and for the guardian, trustee, husband, or committee of any person so seised or entitled, who shall be an infant, married woman (not separately entitled), idiot, lunatic, or under any other disability, to dispose of, by way of absolute sale, or in exchange for any messuages, lands, or other hereditaments, any lands or buildings for the purpose of the same being used as or converted into a workhouse, or of being used as the site of a workhouse, or of being occupied with a workhouse, or for any other purpose relating to the relief of the poor which the said poor law commissioners may approve of, with the rights and appurtenances, and to convey the same and the fee simple and inheritance thereof unto the guardians or overseers of any union or parish and their successors, or in such other manner as the said poor law commissioners may direct, and to accept from and give to such guardians or overseers any monies by way of equality of exchange.

Powers for corporations and persons under disability to convey lands. &c., for the purposes of this Act.

II. And with regard to the application of money paid for the purchase or on the exchange of hereditaments of persons under disability: Be it enacted that all sums of money which shall be agreed to be paid to any corporation, or to any

Investment of purchase money to the same uses as the estates

sold were
subject to.

trustee, guardian, or committee for or on behalf of any infant, ward, lunatic, idiot, married woman, or other person under disability, or to any person whose lands shall be limited in settlement, for the purchase or exchange of hereditaments as aforesaid, shall, in case the same shall exceed the sum of fifty pounds, and there shall be no person capable of giving a sufficient discharge for the same, be paid by the said guardians and overseers into the Bank of England in the name and with the privity of the accountant-general of the Court of Exchequer, to be placed in his account to the credit of the party who shall be so interested in the said hereditaments, describing them, subject to the order of the said Court of Exchequer; which said court, on the petition of or motion on behalf of any corporation or person making claim to any such money, is hereby empowered to order summarily the investment of such money in the purchase of real estates, to be settled to the same uses and upon the same trusts as the lands so sold were previously subject to, or in the public funds, and the distribution of the rents and dividends thereof respectively, according to the respective interests of the claimants thereof, and to make such other order in the premises as to the court shall seem reasonable; and the cashier of the Bank of England who shall receive such money shall give a receipt to the party paying the same, specifying for what the same is received, which receipt shall be to all intents and purposes a sufficient discharge; and upon such receipt being given, it shall be lawful for the said poor law commissioners, by order under their hands and seals, to direct that the said hereditaments so purchased by such guardians or overseers shall be appropriated for the purposes of this Act; and in case of doubts or questions of title to any money paid into the Bank of England by virtue of this Act, or the securities on which the same may be invested, or the dividends or interest thereof, the corporation or person who shall have been in the possession of such hereditaments, interests, or incumbrances at the time of such purchase, and persons claiming under them, shall be deemed and taken to be lawfully entitled to such hereditaments, interests, or incumbrances, until the contrary shall be shown to the satisfaction of the said Court of Exchequer; and the securities and principal and interest monies shall be applied and disposed of accordingly; and in case of such purchase, payment into the Bank of England, and application to the Court of Exchequer as aforesaid, it shall be lawful for the said court to order the expenses attending such purchase, payment, or application, or any part thereof, to be paid by such guardians or overseers, who shall accordingly pay the same as and when the said court shall direct, and the money

Parties in
possession to
be deemed
entitled.

Court of Ex-
chequer may
order pay-
ment of ex-
penses.

so paid shall be a charge on the poor rates of such parish or such union, as the case may be.

III. And in order to insure the due application of the property of parishes and unions, be it enacted, that it shall be lawful for the guardians of any parish or union, and for the overseers of any parish not under the management of a board of guardians, and for the guardians or trustees, guardian or trustee of any dissolved union, or the person or persons who were the guardians or trustees, guardian or trustee, of any dissolved union at the time of its dissolution, or a majority of such guardians, trustees, or persons, if more than one, with the approbation, and subject to the rules, orders, and regulations of the poor law commissioners, to sell, exchange, let, or otherwise to dispose of any workhouses, tenements, buildings, land, effects, or other property belonging to any such parish or union, or vested in trustees or feoffees, in trust for such parish or union, or for the parishioners, ratepayers, or inhabitants thereof, or which belong or did belong to any dissolved union, and every and any part of such property, and to convey, assign, or transfer the same accordingly to the purchasers or parties exchanging, as they shall direct, and, in case of a sale, to apply the produce arising therefrom (after deducting the reasonable expenses thereof) towards the purchase or building of any workhouse, or as or in part of the proportion of such parish or union towards the expense of any workhouse erected, purchased, or provided on behalf of such parish or union, or as a loan to the board of guardians of such union, upon the security of the rates, for the purpose of erecting a workhouse, or in liquidation of any debt contracted by such parish or union or dissolved union, or in such other manner, for the permanent advantage of such parish or union or dissolved union as the said poor law commissioners may approve; and in case of an exchange, the hereditaments to be taken in exchange shall be conveyed to the guardians of such parish or union, or the overseers of such parish upon the same trusts, and the rents and profits thereof shall be applied to the same purposes, as the hereditaments given in exchange were held, and the rents and profits thereof would have been applicable under the provisions of the law or of this Act if the same hereditaments had not been exchanged; and it shall be lawful for the said poor law commissioners to direct the mode and proportions on parishes in which any money required for the purchase of any such property shall be raised, paid, and secured, and also to direct the mode in which the persons by whom, and the objects relating to the management of the poor to which the rents, profits, beneficial occupation, or income of such property shall be applied, assigned, or distributed; and wheresoever the workhouse or workhouses of any parish in any union may

Power to overseers and guardians of the poor to sell, purchase, and dispose of workhouses, &c.

have become or shall hereafter become convertible to the common use of such union, it shall be lawful for the said poor law commissioners to direct such an annual sum, in the nature of rent or other compensation, to be paid to such parish out of the common fund of the union, and to vary the amount of such annual sum or compensation from time to time as they the said poor law commissioners shall see fit: Provided always, that no such sale or exchange or letting of any workhouses, tenements, buildings, or land of any parish shall take place except with the consent of a majority of the ratepayers of such parish, and of the owners of property therein, entitled to vote under and by virtue of the Act passed in the fourth and fifth years of the reign of His present Majesty, intituled "An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales," assembled at a meeting to be duly convened and held for the purpose, after public notice of the time and place and purpose of holding such meeting shall have been given in like manner as notices of vestry meetings are published and given, such majority to be ascertained in manner provided by the said Act: Provided also, that every sale and exchange or lease of any such workhouse, tenements, buildings, land, or other property, which may have been made before the passing of this Act, with the consent or approbation in writing of the said poor law commissioners, shall be as valid and effectual as if the same had been directed by their order under the authority of this Act; and that any monies or rents which have become or shall become payable in respect of any such sale, exchange, or lease, and have not been applied, shall be applied in the same manner as such monies or rents would have been applicable if such sale or exchange or lease had been made under this Act.

4 & 5 Will. 4.
c. 76.

Power of
overseers,
&c. ex-
tended to
guardians,
&c. 22 Geo.
3, c. 83.

59 Geo. 3,
c. 12.

1 & 2 Will.
4, c. 42.

IV. All the powers and authorities in and by an Act passed in the twenty-second year of the reign of King George the Third, intituled "An Act for the better Relief and Employment of the Poor," given to guardians of the poor for or relating to the inclosing of any part or portion of waste or common land as therein mentioned; and all powers and authorities in and by an Act passed in the fifty-ninth year of the same reign, intituled "An Act to amend the Laws for the Relief of the Poor," given to churchwardens and overseers of the poor for taking land or ground into their hands, and for purchasing, hiring, and taking on lease any land; and all the powers and authorities contained in an Act passed in the first and second years of the reign of His present Majesty, intituled "An Act to amend an Act of the Fifty-ninth year of His Majesty King George the Third, for the Relief and Employment of the Poor;" and in a certain other Act passed in the

first and second years of the reign of His present Majesty, intituled "An Act to enable Churchwardens and Overseers to inclose Land belonging to the Crown for the Benefit of Poor Persons residing in the Parish in which such Crown Land shall be situate;" and in a certain other Act passed in the second year of the reign of His present Majesty, intituled "An Act to authorize (in Parishes inclosed under any Act of Parliament) the letting of the Poor Allotments in small portions to industrious Cottagers;" shall in future be exercised (under the control, and subject to the rules, orders, and regulations of the poor law commissioners), by the overseers of the poor in any parish not under the management of a board of guardians, and by the guardians of the poor of any union or parish formed or established by virtue of any statute or local Act; and all the aforesaid powers and authorities relating to the inclosing, purchasing, hiring, or taking any waste, common, or other land, for the purpose or purposes in the said Acts mentioned, shall extend and apply to and may be so exercised as aforesaid by the said overseers and guardians for the purpose of being used as the site of a workhouse, or of being occupied with a workhouse, or for any other of the purposes of the said recited Act passed in the fourth and fifth years of the reign of His present Majesty.

V. The powers and authorities given by the said Act of the fifty-ninth year of King George the Third, and by the said Act of the second year of the present reign, to justices of the peace to cause possession of parish houses and lands and portions of land to be delivered to the churchwardens and overseers of the poor, and any other auxiliary powers or provisions in the said Acts or other Acts contained in relation thereto, shall extend to and shall be exercised by such justices in respect of any houses and lands and portions of land which are or may be vested in or under the management or control of the guardians of the poor of any union or parish, in the same manner as if the names of those officers had been inserted in the said Acts instead of the names of the churchwardens and overseers of the poor.

VI. And for simplifying the instruments of assurance of property under this Act, be it enacted, that every conveyance, exchange, security, or assignment of security, under the authority of this Act, may be made according to the forms set forth in the schedule annexed, or in such other forms as the said poor law commissioners shall direct, or as near thereto as the number of parties, the nature of the interests, and the circumstances of the case will admit, and shall, when executed by the conveying parties, be valid and effectual in the law, without livery of seisin being made, or any bargain and sale to vest possession being executed; and that every conveyance, exchange, security, transfer of security, or instrument made under the authority of this Act, shall, when

1 & 2 Will.
4, c. 59.

2 & 3 Will.
4, c. 42.

Powers
given to
Justices to
deliver pos-
session of
parish
houses, &c.
to church-
wardens and
overseers
extended to
property of
unions, &c.

Mode of
conveyance.

Approval of
the poor law
commis-
sioners.

signed by the conveying parties thereto, be transmitted to the said poor law commissioners, who shall, if they shall approve thereof, signify such approval by sealing or stamping the same with their seal; and for preserving evidence of such instruments the said commissioners shall keep a register, properly indexed, in which they shall insert copies or memorials of such deeds or instruments of which they shall so approve, and of such orders of appropriation of property as are hereinbefore mentioned; and all such copies or memorials, or copies thereof, purporting to be sealed or stamped with the seal of the said commissioners, shall be received as evidence of the instruments respectively of which they purport to be copies or memorials.

Guardians
incorpor-
rated.

VII. And for the more easy execution of the purposes of this Act, and of the laws relating to the poor, be it enacted, that the guardians of the poor of every union already formed or which hereafter shall be formed by virtue of the aforesaid Act passed in the fourth and fifth years of the reign of His present Majesty, and of every parish placed under the control of a board of guardians by virtue of the said Act, shall respectively from the day of their first meeting as a board become or be deemed to have become, and they and their successors in office shall for ever continue to be, for all the purposes of this Act, a corporation, by the name of the guardians of the poor of the ——— union (or of the parish of ———) in the county of ———: and as such corporation the said guardians are hereby empowered to accept, take, and hold, for the benefit of such union or parish, any buildings, lands, or hereditaments, goods, effects, or other property, and may use a common seal; and they are further empowered by that name to bring actions, to prefer indictments, and to sue and be sued, and to take or resist all other proceedings, for or in relation to any such property, or any bonds, contracts, securities, or instruments given or to be given to them in virtue of their office; and in every such action and indictment relating to any such property it shall be sufficient to lay or state the property to be that of the guardians of the ——— union, or of the parish of ———; and in case of any addition to or separation of any parishes from any such union, under the authority of the said Act passed in the fourth and fifth years of the reign of His present Majesty, the board of guardians for the time being shall (notwithstanding such alteration) have and enjoy the same corporate existence, property and privileges as the board of guardians of the original union would have had and enjoyed had it remained unaltered.

Previous
sales made
with the
consent of
the commis-
sioners to be
valid.

VIII. All buildings, lands, or hereditaments, goods, effects, or other property, which, before the passing of this Act, may have been conveyed, with the consent or under the directions of the said poor law commissioners, to any persons in trust for and for the use of any union or parishes, shall, without

any further Act, vest in the guardians thereof as such corporation, in the same manner as if the same respectively had been conveyed to or vested in them under the provisions of this Act.

IX. And in the interpretation of this Act, be it enacted, ^{Interpreta-} that wherever in this Act, in describing any person or party, ^{tion clause} matter or thing, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as males, and several matters or things as well as one matter or thing respectively, unless there be something in the subject or context repugnant to such construction; and the words and expressions "general rule," "guardian," "justice or justices of the peace," "orders and regulations," "overseers," "owners of property," "parish," "person," "poor," "poor rate," "union," "vestry," and "workhouse," shall bear and be construed to have the same signification as the same words and expressions are declared to have in the said Act of the fourth and fifth years of the present reign, for the amendment and better administration of the laws relating to the poor in England and Wales.

SCHEDULE to which this Act refers.

Form of Conveyance.

This deed, made the ——— day of ——— in the year ——— by virtue of an Act passed in the fifth and sixth years of the reign of King William the Fourth, intituled [*the title of this Act*], and under the direction [*or with the approbation*] of the poor law commissioners for England and Wales, testified by their seal being hereunto affixed, witnesseth, that *A. B.* of ——— in consideration of the sum of ——— paid to him [*or into the Bank of England*] by *C. D.* of ——— doth grant and convey [*or demise or assign, proper words of conveyance to be used.*] all, &c. [*the property to be aptly described*], and all the right, title, and interest of the said *A. B.* in and to the same and every part thereof, unto and to be holden by the said *C. D.*, his heirs and assigns. In witness whereof the said *A. B.* and *C. D.* have hereunto set their hands and seals.

Witness *E. F.*

A. B. (L. S.)

C. D. (L. S.)

(SEAL.)

Approved and registered the
—— day of ——.

Form of Exchange.

This deed, made the ——— day of ——— by virtue of an Act passed in the fifth and sixth years of the reign of King William the Fourth, intituled [*the title of the Act*], and under the direction [*or with the approbation*] of the poor law commissioners for England and Wales, testified by their seal being hereunto affixed, witnesseth that *A. B.* of ——— doth grant and convey unto *C. D.* of ——— all [*the property to be aptly described*], in exchange for the hereditaments hereinafter conveyed, to the intent that the said hereditaments above conveyed may be held and enjoyed by the said *C. D.*, and the person or persons who for the time being would have been entitled to the hereditaments hereinafter conveyed, if this present exchange had not been made, and shall be and become subject to such and the same uses, trusts, powers, conditions, limitations, restrictions, charges, and incumbrances as the same hereditaments hereinafter conveyed now are or may or but for this present exchange would have been subject or liable to: And this deed further witnesseth, that, in pursuance of the said Act, and under the said direction [*or approbation*] the said *C. D.* doth grant and convey unto the said *A. B.* all [*the property to be aptly described*], in lieu of and in exchange for the hereditaments firstly hereinbefore conveyed, to the intent that the hereditaments lastly hereinbefore conveyed may be held and enjoyed by the said *A. B.*, and the person or persons who for the time being would have been entitled to the hereditaments firstly hereinbefore conveyed if this present exchange had not been made, and shall be and become subject to such and the same uses, trusts, powers, conditions, limitations, restrictions, charges, and incumbrances as the same hereditaments now or may be or but for this present exchange would have been subject or liable to. In witness whereof the said *A. B.* and *C. D.* have hereunto set their hands and seals.

Witness *E. F.**A. B.* (L. s.)*C. D.* (L. s.)

(SEAL.)

(Approved and registered the
——— day of ———.*Form of Security.*

This deed, made the ——— day of, ——— by virtue of an Act passed in the fifth and sixth years of the reign of King William the Fourth, intituled [*the title of this Act*], and under the direction [*or with the approbation*] of the poor law com-

missioners for England and Wales (testified by their seal being hereunto affixed), witnesseth, that *A. B.*, *C. D.*, *E. F.*, and *G. H.*, being the majority of the guardians of the poor for the ——— union [*or the parish of ———*], in consideration of the sum of ——— to them in hand paid by *Y. Z.* of ——— for the purpose of purchasing, building, erecting, repairing, fitting up, or furnishing a workhouse for the union [*or parish*], and for providing suitable stock and utensils for that purpose [*or in consideration of the conveyance or assurance of, &c., as the case may be*], do hereby charge the poor rates of the parishes of the said union [*or parish*] with the payment of the principal sum of ——— pounds, by the instalments following [*naming them*], together with interest on the principal which shall from time to time remain due, after the rate of ——— per centum, to be payable half-yearly to the said *Y. Z.*, his executors, administrators, and assigns.

Witness *L. M.*

A. B.

C. D.

E. F.

G. H.

(SEAL.)

Approved and registered the
day of

Form of Transfer of Security.

This deed, made the ——— day of ——— by virtue of the Act passed in the fifth and sixth years of the reign of King William the Fourth, intituled [*the title of this Act*], and [*if the guardians or overseers of any parish or union are the parties transferring or accepting the security, then add*] under the direction [*or with the approbation*] of the poor law commissioners for England and Wales (testified by their seal being hereunto affixed), witnesseth, that *Y. Z.* of ——— doth transfer the security [*describing it*], with all right and title to the principal money thereby secured, and to all the interest now due or hereafter to be due thereon, unto *V. W.* of ——— his executors, administrators, and assigns.

Witness *E. F.*

Y. Z.

V. W.

(SEAL.)

Approved and registered the
day of

7 WILL. 4, AND 1 VICT. CAP. 50.

An Act to facilitate the Conveyance of Lands and Buildings for the Purposes of Two Acts passed respectively in the Fifth and Sixth Years of His late Majesty King William the Fourth.
[15th July, 1837.]

4 & 5 Will.
4, c. 76.

5 & 6 Will.
4, c. 69.

Provisions of
recited Act
to extend to
copyhold
lands, &c

Provisions
for enfran-
chisement of
copy holds.

“ WHEREAS an Act was passed in the fifth year of the reign of His late Majesty King William the Fourth, intituled ‘ An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales :’ And whereas another Act was passed in the sixth year of the reign of His said late Majesty, intituled ‘ An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations or Unions of Parishes in England and Wales :’ And whereas doubts are entertained as to whether the herein recited Acts respectively apply to lands or buildings or other hereditaments of copyhold or customary tenure ; and it is expedient that such doubts should be removed, and that the provisions of the said Acts should be extended in some respects :” Be it therefore enacted and declared by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that the provisions of the said herein recited Acts apply to and comprise lands and buildings and other hereditaments of copyhold or customary tenure, as well as lands, buildings, and other hereditaments of freehold tenure.

II. Whenever any contract shall be entered into for the purposes of the said recited Acts or either of them, or of this Act, respecting any lands, buildings, or other hereditaments of copyhold or customary tenure, it shall be lawful for the poor law commissioners to direct that the difference in value of such lands or buildings or other hereditaments, as of copyhold or customary tenure, and the freehold or fee simple thereof, including therein the value of any fine, heriot, or customary due, payment or rent, or any service capable of being valued, in respect of such land or building or other hereditaments, shall be ascertained by such means as they shall think fit ; and that such difference in value when so ascertained shall be paid to or invested for the use and benefit of the lord of the manor of which such lands or buildings or other hereditaments shall be parcel, or such other person as would be entitled to the fines payable upon death or alienation of the same, or to such heriot, dues, payment, rent, or service respectively ; and upon and from the making of such payment or investment such lands or buildings or other hereditaments shall thenceforth be deemed enfranchised, and for ever discharged

from every fine, customary or copyhold, heriot, due, payment, rent, suit, or service; and such lands and buildings and other hereditaments shall thenceforth be and remain of the tenure of free and common socage: Provided always, that if any such lord of the manor or other person be under any legal disability, the powers of the said recited Acts, and of every other Act for building, hiring, or purchasing workhouses, or for acquiring lands for workhouse purposes, enabling persons under disability to convey or otherwise dispose of and deal with property, shall apply to such lord of the manor or other person as amply and fully as if the case had been expressly provided for in such Acts or any of them: Provided also, that if such lord of the manor or other person be dissatisfied with such valuation, and shall within seven days after a tender made to him of the amount thereof, or after notice left at his last known place of residence, or with his known agent, of such amount being ready to be paid to him or invested as aforesaid, send notice by the post to the poor law commissioners of such dissatisfaction, it shall be lawful for the poor law commissioners to direct a further valuation to be made, at or within such period as they may see fit, by two valuers, one to be named by the poor law commissioners, and the other by such lord of the manor or other person, which two persons so named shall previous to their entering on their valuation name a third valuer to be referred to in case they disagree, and the award of such three valuers, or any two of them, shall be binding on all parties; and on payment or investment, under the provisions of the said recited Acts or any of them, or of this Act, of the amount of such last-mentioned valuation, such lands or buildings and other hereditaments shall thenceforth be deemed enfranchised and discharged in manner aforesaid, and be and remain of the tenure of free and common socage: Provided always, that it shall be lawful for any overseers, guardians, lord of the manor or other person to complete any voluntary agreement for the purchase and enfranchisement of any copyhold or customary lands, buildings, or other hereditaments, under the direction and with the approbation of the poor law commissioners, in like manner as if such agreement had been originally made under this Act, anything in the said Acts or either of them, or in this Act, to the contrary notwithstanding; and in every such case, if any lord of the manor or other person be under legal disability, the power of the said recited Acts and of any other Act for building, hiring, or purchasing workhouses, or for acquiring lands for workhouse purposes, enabling persons to convey or otherwise dispose of or deal with property, shall apply to such lord of the manor or other person as amply and fully as if the case had been expressly provided for in such Acts or any of them.

III. When and so soon as any such enfranchisement as Steward of aforesaid shall have been made it shall be lawful for the steward ^{manor to}

enter certificate on rolls of the manor, and to furnish a parchment copy thereof to the poor law commissioners.

of the manor whereof the same lands or buildings were parcel, and he is hereby required, on receipt of a certificate of such valuation being made and enfranchisement effected, under the hands and seals of the poor law commissioners, to enter such certificate on the rolls or books of the said manor, and to furnish a copy of such entry, written on parchment, to the poor law commissioners, or to such person or persons as they may direct, and to certify the same to be a true extract under his hand; and such certificate or a copy thereof under the seal of the poor law commissioners shall thenceforth be evidence of such enfranchisement.

Mode of conveyance.

IV. All conveyances or instruments by way of sale or exchange, or assignment or security or transfer to be made under the authority of the said recited Acts or either of them, or of this Act, may be made in such form as the poor law commissioners shall by any order or orders signed by them and sealed with their common seal direct or approve of, or as near thereto as the number of parties, the nature of the interests, and the circumstances of each case will admit, and shall be valid and effectual in the law, without livery of seisin being made, or any bargain and sale to vest possession being executed, and without being enrolled.

2 & 3 VICT. CAP. 84.

An Act to amend the Laws relating to the Assessment and Collection of Rates for the Relief of the Poor.

[26th August, 1839.]

Manner of proceeding by board of guardians in case the contributions required by any parish are in arrear.

“WHEREAS it is expedient that more effectual provision should be made for the assessment, allowance, amendment, and collection of rates for the relief of the poor:” Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that in every case in which any contribution by overseers or other officers of any parish of monies required by the board of guardians or persons acting as guardians for such parish, or for any union which shall include such parish for the performance of their duties, shall be in arrear, it shall be lawful for any two justices acting within the district wherein such parish shall be situate, on application under the hand of the chairman or acting chairman of such board, to summon the said overseer or other officers to show cause, at a special sessions to be summoned for the purpose, why such contribution has not been paid, and after hearing the complaint preferred under the authority of such chairman or acting chairman, and on behalf of such board, if the justices at such sessions shall think fit, by warrant under their hands and

seals, to cause the amount of the contribution so in arrear, together with the costs occasioned by such arrear, to be levied and recovered from the said overseers or other officers, or any of them, in like manner as monies assessed for the relief of the poor may be levied and recovered, and the amount of such arrear, together with the costs as aforesaid, when levied and recovered, to be paid to the said board: Provided always, that no distress made under any such warrant of justices shall be replevisible.

5 & 6 VICT. CAP. 57.

An Act to continue until the Thirty-first Day of July, 1847, and to the end of the then next Session of Parliament, the Poor Law Commission; and for the further amendment of the Laws relating to the Poor in England.

[30th July, 1842.]

VIII. In case any question shall arise as to the right of any person to act as an elective guardian, it shall be lawful for the commissioners, if they shall see fit, to inquire into the circumstances of the case, and to issue such order or orders therein, under their hands and seal, as they may deem requisite for determining the question; and no such order shall be liable to be removed by writ of *certiorari* into the Court of Queen's Bench unless the application for such writ shall be made during the term next after the issuing of such order.

Determination of disputes as to the election, &c. of guardians.

IX. If any person put in nomination for the office of guardian tender to the officer conducting the election of guardians his refusal in writing to serve such office, the election of guardians, so far as regards such person, shall be no further proceeded with.

Resignation of candidates.

X. In every case in which no person shall be elected for the office of guardian in any parish at any annual election of guardians, the persons elected for the previous year may continue to act as guardians until the next annual election.

Continuance of guardians in office.

XI. The said commissioners may accept the resignation of any person elected as a guardian tendered for any cause which the commissioners may deem reasonable; and in every case of omission to elect, or of vacancy in any board of guardians, by death, resignation, or disqualification, the said commissioners shall be and shall be deemed to have been empowered to order a new election for the completion of such board.

Commissioners may accept resignation of guardians, and may order new election.

XII. In case the full number of guardians shall not be or shall not have been elected at any election of guardians, or in case of any vacancy in any board of guardians by the death, removal, resignation, refusal, or disqualification to act of any elected guardian, the other or remaining members of the said

In case of vacancy, remaining guardians to act.

board, being not less than three, shall be and be deemed to have been competent to act until the next election, or until the completion of the said board, as if the number of such board were complete, and that no acts or proceedings shall be liable to be questioned on account of any failure to elect any guardian or guardians, or on account of any vacancy as aforesaid.

**De facto
guardians.**

XIII. No defect in the qualification or election of any person acting as a guardian at a board of guardians, the majority of persons assembled at which shall be entitled to act as guardians, shall be deemed to vitiate or make void any proceedings of such board in which he may have taken part.

**Paid officers
and others
incapable of
serving as
guardians.**

XIV. No person during the time for which he may serve or hold the office of assistant overseer of any parish, nor any paid officer engaged in the administration of the laws for relief of the poor, nor any person who, having been a paid officer, shall have been dismissed within five years previously from such office, under the provisions of the said first-recited Act, shall be capable of serving as a guardian; and no person receiving any fixed salary or emolument from the poor rates in any parish or union shall be capable of serving as a guardian in such parish or union.

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**Construction.
4 & 5 Will. 4,
c. 76.
5 & 6 Will. 4,
c. 69.**

**6 & 7 Will. 4,
c. 96.**

**1 & 2 Vict.
c. 56, ss. 118,
122.**

**1 & 2 Vict.
c. 25, s. 3
7 Will. 4 &
1 Vict. c. 50,
2 & 3 Vict.
c. 84.**

XVIII. The said Act of the fifth year of the reign of His late Majesty, and the Act passed in the sixth year of the reign of His said Majesty, intituled "An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations of Parishes in England and Wales," and the Act passed in the seventh year of the reign of His said Majesty, intituled "An Act to regulate parochial Assessments," and so much of an Act passed in the second year of the reign of Her present Majesty, intituled "An Act for the more effectual Relief of the destitute Poor in Ireland," as relates to the style of the poor law commissioners, their appointment, the delegation of powers to one of their number, the sittings of their board, their common seal, and the residence of one of their number in Ireland, and all Acts to amend or extend any of the said Acts, or the said provisions of the Act last recited, and the present Act, shall (except so far as the provisions of any former Act shall be expressly altered or amended by the provisions of any subsequent Act) be construed as one Act; and that in each and every such Act (except the said Act for the more effectual relief of the destitute poor in Ireland) the words "auditor," "guardian," "Justice or Justices of the Peace," "oath," "officer," "overseer," "owner," "rack-rent," "parish," "person," "poor," "poor laws," "laws for relief of the poor," "poor rate," "general quarter sessions," "union," "united workhouse," "vestry," "workhouse," and words importing the singular number or the masculine gender only, shall be inter-

preted as is provided in the first-recited Act; and that the provisions of the said first-recited Act shall extend to every rule, order, or regulation directed or authorized to be made by the said commissioners under the provisions of an Act passed in the seventh year of His said late Majesty, intituled "An Act for registering Births, Deaths, and Marriages in England," or by an Act passed in the fourth year of the reign of Her present Majesty, intituled "An Act to extend the Practice of Vaccination."

6 & 7 Will. 4,
 c. 86, s. 10.
 3 & 4 Vict.
 c. 29.

7 & 8 VICT. CAP. 101.

An Act for the further Amendment of the Laws relating to the Poor in England.

[9th August, 1844.]

XXX. In addition to the principal sum or sums of money which guardians are empowered by the said first-recited Act to raise or borrow for the purpose of purchasing, hiring, building, enlarging, or altering workhouses, or buildings to be converted into workhouses, the guardians of any parish or union any part of which is situated within the metropolitan police district, or the city of London, or the select vestry of the parish of Liverpool, may, with the consent of the poor law commissioners, also raise or borrow and charge the future poor rates of such parish or union with such further or other sum or sums of money as may be or may have been necessary for the purchase of any land, or interest in land, required as the site of such workhouse, or of any additions to any such workhouse.

Cost of obtaining site of workhouses in the metropolitan police district, &c.

XXXI. It shall be lawful for guardians, or where there are no guardians for the overseers, to bury the body of any poor person which may be within their parish or union respectively, and to charge the expense thereof to any parish under their control to which such person may have been chargeable, or in which he may have died, or otherwise in which such body may be; and unless the guardians, in compliance with the desire expressed by such person in his lifetime, or by any of his relations, or for any other cause, direct the body of such poor person to be buried in the churchyard or burial ground of the parish to which such person has been chargeable (which they are hereby authorized to do), every dead body which the guardians or any of their officers duly authorized shall direct to be buried at the expense of the poor rates, shall (unless the deceased person, or the husband or wife or next of kin of such deceased person, have otherwise desired), be buried in the churchyard or other consecrated burial ground in or belonging to the parish, division of parish,

Burials of paupers.

chapelry, or place in which the death may have occurred; and in all cases of burial under the direction of the guardians or overseers as aforesaid, the fee or fees payable by the custom of the place in which the burial may take place, or under the provisions of any Act of parliament, shall be paid out of the poor rates, for the burial of each such body, to the person or persons who by such custom or under such Act may be entitled to receive any fee: Provided always, that it shall not be lawful for any officer connected with the relief of the poor to receive any money for the burial of the body of any poor person which may be within the parish, division of parish, chapelry, or place in which the death may have occurred, or to act as undertaker for personal gain or reward in the burial of any such body, or to receive any money from any dissecting school or school of anatomy, or hospital, or from any person or persons to whom any such body may be delivered, or to derive any personal emolument whatever for or in respect of the burial or disposal of any such body; and any such officer offending as aforesaid shall, on conviction thereof before any two justices, forfeit and pay a sum not exceeding five pounds.

**Their powers
and duties.**

XXXII. Every auditor shall have full powers to examine, audit, allow, or disallow of accounts, and of items therein, relating to monies assessed for and applicable to the relief of the poor of all parishes and unions within his district, and to all other money applicable to such relief; and such auditor shall charge in every account audited by him the amount of any deficiency or loss incurred by the negligence or misconduct of any person accounting, or of any sum for which any such person is accountable, but not brought by him into account against such person, and shall certify on the face of every account audited by him any money, books, deeds, papers, goods or chattels, found by him to be due from any person; and when any such auditor has so certified any money, books, deeds, papers, goods or chattels, to be due from any person, he shall forthwith report the same to the said commissioners; and the person from whom any money is so certified to be due shall within seven days pay or cause to be paid such money to the treasurer of the guardians of the union or parish, if there be any such treasurer; and in the case of a union such money shall be applied by the guardians to the use of all or any of the parishes included in such union, according as all or any of such parishes may be interested in the sum so paid; and all books, deeds, papers, goods and chattels, and in the case where there is no treasurer as aforesaid all monies so certified to be due, shall be delivered over or paid, within seven days of the same being certified, to the person or persons authorized to receive the same; and if any such money, books, deeds, papers, goods or chattels, be not duly paid or delivered over as hereinbefore directed, the

said auditor, or any auditor subsequently appointed, shall proceed, as soon as may be, to enforce the payment or delivering over of the same; and all monies so certified to be due by such auditor shall be recoverable as so certified from all or any of the persons making or authorizing the illegal payment, or otherwise answerable for such monies, and shall be recovered on the application of such auditor or of any such auditor subsequently appointed, or by any person for the time being entitled or authorized to receive the same, in the same manner as penalties and forfeitures may be recovered under the provisions of the said first-recited Act; and the expenses attending such proceeding or recovery shall (except so far as the same may be paid by the person against whom the proceedings have been taken) be repaid to such auditor by the guardians of the parish or union, or by the district board of the district to which the proceedings may respectively relate, and shall be charged in their accounts in such manner and in such proportions as the said commissioners may direct; and if any person from whom any such books, deeds, papers, goods or chattels, may be due neglect or refuse to deliver over the same to the person for the time being entitled or authorized to receive the same, the person so neglecting or refusing shall be liable, on the complaint of any such auditor for the time being, or of the person entitled or authorized to receive the same, to the penalties and proceedings provided in the case of overseers refusing or neglecting to pay and deliver over to their successors any sum or sums of money, goods, chattels, and other things, in their hands; and any churchwarden, surveyor of the highways, overseer, or other officer of a parish or union, who shall wilfully authorize or make an illegal or fraudulent payment from the church rate, highway rate, or other public fund of a parish or union, or shall unlawfully make any entry in his accounts for the purpose of defraying or making up to himself or any other person the whole or any part of any sum of money unlawfully expended from the poor rate, or disallowed or surcharged in the accounts of any parish or union by such auditor, shall, upon conviction thereof before any two justices, forfeit and pay for every such offence any sum not exceeding twenty pounds, and also treble the amount of such payment or of the sum so entered in his accounts.

XXXV. If any person aggrieved by any allowance, disallowance, or surcharge, by any such auditor require such auditor to state the reasons for the said allowance, disallowance, or surcharge, the auditor shall state such reasons in writing in the book of account in which the allowance, disallowance, or surcharge may be made; and it shall be lawful for every person aggrieved by such allowance, and for every person aggrieved by such disallowance or surcharge, if such last-

Certiorari for auditors' allowances or disallowances.

mentioned person have first paid or delivered over to any person authorized to receive the same all such money, goods, and chattels as are admitted by his account to be due from him or remaining in his hands, to apply to the Court of Queen's Bench for a writ of certiorari to remove into the said court the said allowance, disallowance, or surcharge, in the like manner and subject to the like conditions as are provided in respect of persons suing forth writs of certiorari for the removal of orders of justices of the peace, except that the condition of such recognizance shall be, to prosecute such certiorari, at the costs and charges of such person, without any wilful or affected delay, and if such allowance, disallowance, or surcharge be confirmed, to pay to such auditor or his successor, within one month after the same may be confirmed, his full costs and charges, to be taxed according to the course of the said court, and except that the notice of the intended application, which shall contain a statement of the matter complained of, shall be given to such auditor or his successor, who shall in return to such writ return a copy under his hand of the entry or entries in such book of account to which such notice shall refer, and shall appear before the said court, and defend the allowance, disallowance, or surcharge so impeached in the said court, and shall be reimbursed all such costs and charges as he may incur in such defence out of the poor rates of the union or parish respectively interested in the decision of the question, unless the said court make any order to the contrary; and that on the removal of such allowance, disallowance, or surcharge the said court shall decide the particular matter of complaint set forth in such statement, and no other; and if it appear to such court, that the decision of the said auditor was erroneous, they shall, by rule of the court, order such sum of money as may have been improperly allowed, disallowed, or surcharged to be paid to the party entitled thereto by the party who ought to repay or discharge the same; and they may also, if they see fit, by rule of the court, order the costs of the persons prosecuting such certiorari to be paid by the parish or union to which such accounts relate, as to such court may seem fit; which rules of court respectively shall be enforced in like manner as other rules of the said court are enforceable.

Persons aggrieved may apply to commissioners, who may issue orders thereupon.

XXXVI. Provided always that it shall be lawful for any person aggrieved as aforesaid by any allowance, disallowance, or surcharge, in lieu of making application to the Court of Queen's Bench for a writ of certiorari, to apply to the said commissioners to inquire into and to decide upon the lawfulness of the reason stated by the auditor for such allowance, disallowance, or surcharge, and it shall thereupon be lawful for the said commissioners to issue such order therein under

their hands and seal, as they may deem requisite for determining the question.

XL. It shall be lawful for the said commissioners, as and when they may see fit, by order under their hands and seal to combine unions, or parishes not in unions, or such parishes and unions into school districts for the management of any class or classes of infant poor, not above the age of sixteen years, being chargeable to any such parish or union, who are orphans, or are deserted by their parents, or whose parents or surviving parent or guardians are consenting to the placing of such children in the school of such district; but the said commissioners shall not include in any such district any parish any part of which would be more than fifteen miles from any other part of such district: Provided always, then when the relief of the poor has been hitherto administered in any parish or united parishes by guardians appointed under a local Act, and not by overseers of the poor, if such parish or united parishes, according to the last enumeration of the population published by authority of parliament, contain more than twenty thousand persons, it shall not be lawful for the said commissioners, without the consent in writing of the majority of such guardians, to include such parish or united parishes in a school district.

Parishes and unions may within certain limits be combined into school districts.

XLII. A board shall be constituted for every district formed under this Act for the maintenance of a school and every district board so constituted shall respectively consist of members to be elected from amongst the persons rated within the district to the relief of the poor; and the said commissioners shall fix the qualification of such members, such qualification to consist in being rated within the district to the relief of the poor, but not so as to require a qualification exceeding the net annual value of forty pounds; and such members shall be elected at such periods, not exceeding three years, and in such proportions and in such manner, as the said commissioners may from time to time direct, by the guardians of every parish or union governed by a board of guardians under the provisions of the said first-recited Act, or of any local Act, and if there be no such guardians then by the overseers of a parish not governed by such guardians; and the chairman of every board of guardians constituted under the provisions of the said first-recited Act shall, if he consent thereto, be *ex officio* a member of any district board constituted under the provisions of this Act.

Constitution of the district boards for schools and asylums.

XLIII. Every such district board shall have such of the powers of guardians for the relief and management of the poor within any school or asylum, and for the appointment,

Powers and duties of district boards.

payment, and control of paid officers, as the said commissioners may direct; and the legal and reasonable orders of such district board shall be obeyed and obedience thereto enforced in the same manner and by the same remedies and penalties as the legal and reasonable orders of guardians; and it shall be lawful for the said commissioners, with the consent in writing of a majority of any district board, to direct such district board to purchase or hire or build, and to fit up and furnish, a building or buildings, of such size and description, and according to such plan, and in such manner as the said commissioners may deem most proper, for the purpose of being used or rendered suitable for the relief and management of the poor to be received into such school * * * and the said commissioners may, with the like consent, alter the district for which such district board was originally constituted, by adding thereto or taking therefrom any parish or parishes, union or unions, as aforesaid; and the said commissioners shall have the same powers for regulating the proceedings of any district board or of any committee thereof, and for directing and regulating the appointment, duties, remuneration, and removal of paid officers to be appointed by any district board, as they have with respect to the proceedings of boards of guardians, or with respect to paid officers to be appointed by any board of guardians; and every such board for a school district shall appoint, with the consent of the bishop of the diocese, at least one chaplain of the established church as one of the paid officers aforesaid, who shall be empowered to superintend the religious instruction of all the infant poor being under the control of such district board; and it shall be lawful for the said commissioners to issue rules and regulations for the government of any such school or asylum, and the inmates thereof, as if such school * * * were a workhouse; and any orders or regulations of the said commissioners made in pursuance of this Act shall be enforced in the same manner and by the same penalties as if the same were an order or regulation made in pursuance of the said first-recited Act: Provided always, that no rules, orders, or regulations of the said commissioners, nor any regulations made by such district board, shall oblige any inmate of any such school * * * to attend any religious service which may be celebrated in a mode contrary to the religious principles of such inmate, nor shall authorize the education of any child in any religious creed other than that professed by the parents or surviving parent of such child, and to which such parents or surviving parent may object, or, in the case of an orphan or deserted child, to which his next of kin may object: Provided also, that it shall be lawful at all reasonable times of the day, according to rules and regulations to be made for this

purpose by the said board, for any minister of the religious persuasion professed by an adult inmate, or of the religious persuasion in which any child has been brought up, or in which the parents, or surviving parent, or next of kin, as the case may be, may desire such child to be instructed, to visit the school * * * at the request of such adult inmate, for the purpose of affording to him religious assistance, or to visit such child for the purpose of instructing such child in the principles of his religion: Provided also, that it shall be lawful at all times for any inspector of schools appointed by Her Majesty in council to visit such schools, and to examine into the proficiency of the scholars therein.

XLIV. For the purpose of providing a building for such school * * * it shall be lawful for such district board, subject to the order of the said commissioners, to exercise the powers given to boards of guardians by the said first-recited Act, or any other Act or Acts for the purchase and hire of lands and buildings, and to borrow, in like manner as is provided in the said first-recited Act or in any other Act or Acts, such sum or sums of money as may be necessary for the purpose of purchasing any site, or purchasing, hiring, or building, and of fitting up and furnishing such building or buildings as aforesaid, and to charge the future poor rates of the parishes or unions, or parishes and unions, so combined as aforesaid, with the payment of such sum or sums of money, and interest thereon: Provided always, that the consent of any ratepayers or owners of property of any parish shall not be necessary to any sale, exchange, lease, or other disposal by guardians or overseers to or with any such district board of any workhouse, tenement, building, or land: Provided also, that the principal sum or sums to be raised for the purpose of providing any such building or buildings as aforesaid, and charged on any union, or on any parish not included in a union, shall in no case exceed one-fifth of the average annual amount of the aggregate expenditure relating to the relief of the poor within any such union, or of the like expenditure within any such parish, for three years ending the twenty-fifth day of March next preceding the raising of such money: Provided also, that the principal sum or sums required for the purpose of providing any such building or buildings shall, if the same be borrowed, be repaid, with all interest thereon, within a period not exceeding twenty years.

Powers of district board for purchasing and hire of land, &c.

Sums to be raised for providing schools or asylums not to exceed one-fifth part of the average annual rates.

XLV. Every such district board shall be enabled to accept, take, and hold, on behalf of the district for which they act, any lands, buildings, goods, effects, or other property, as a corporation, and in all cases to sue and be sued as a corporation.

District board to hold property of district as a corporation.

tion, by the name of the board of management of the district school.

Payment
contribu-
tions to dis-
trict boards.

XLVI. Every district board for the management of any school shall from time to time call on the parishes and unions included in such district for such contributions as they may deem requisite for the purposes of this Act; and notice in writing of the amount of such contributions, purporting to be signed by the clerk or other officer of such district board, in any form prescribed by the said commissioners, shall, fourteen days at least before such contribution becomes due, be forwarded, by post or otherwise, to the clerk to the board of guardians of any union, and to two at least of the overseers or other officers authorized to make and levy rates for the relief of the poor in every parish from whom such contributions or any part thereof will become due; and if such contributions are not duly paid to the treasurer of such district board, such district board shall, in addition to any other remedy which now is or hereafter may be given to any persons against any board of guardians, have the like remedy for recovery of the same from the overseers or other officers authorized to make and levy the rates for relief of the poor of the several parishes, whether comprised in an union or otherwise, and which may form part of the district for which such district board may act, as are given to guardians for the recovery from overseers of the contributions of parishes; and in case of any addition or separation of parishes or unions the said commissioners shall ascertain the proportionate value of property and amount of obligations of every parish or union affected by the change, and shall fix the amount to be received or paid, or secured to be paid, by every such parish or union.

Distribution
of charges for
schools.

XLVII. The expenses incurred by any district board in the *purchase or hire of any building or buildings to be used as a school, or in erecting, repairing, adding to, or fitting up any building and in the purchase of utensils and materials for the employment of the inmates of such school, or of books and other objects and things necessary for the instruction of such inmates, and the salaries of the officers and servants of the establishment (a)* and all other expenses incurred on the common account of the parishes or unions, or parishes and unions, so united for the management of any class of infant poor, or incidental to the discharge of the duties of such district board, shall be paid by such unions *in the proportion of the averages last declared for every such union, and by such parishes in the proportion of the average expenditure of every such parish for the like period and purposes as those*

(a) See 30 Vict. c. 6, s. 47, *ante*, p. 23.

to which the declared averages of such unions shall relate; and the said commissioners shall from time to time, by order under their hands and seal, ascertain and declare the proportion and rates of contribution in the above respects of every such parish and union (b). And that all other expenses incurred in the relief of the children under the management of such district board shall be separately charged by such district board to the parish or union from which each such child may be sent.

* * * * *

XLIX. The poor law commissioners shall appoint some person, being at the same time the auditor of some parish or union situated within the district for which any district board for any school may be appointed, who shall be the auditor of such district, and shall be empowered and required to audit the accounts of each district board, and of the officers of such district board; and the salary of every such auditor of a district shall be paid by the district board thereof; and the said commissioner shall have the same powers for regulating the duties and remuneration of such auditors as they have with respect to paid officers appointed by any board of guardians; and it shall be lawful for the said commissioners, as they may see fit, to remove any auditor of such district, and in case of vacancy to appoint another person as aforesaid to the office; and every district board constituted under this Act, and every officer of such district board, shall, twice in the year at least, at such time and in such manner and form as may be prescribed by the poor law commissioners, account to the auditor appointed as aforesaid; and such auditor shall have all the powers of allowing and disallowing any charges in such accounts as are or may hereafter be given to auditors under the provisions of the said first-recited Act or any other Act for the audit of accounts relating to rates for the relief the poor; and all sums disallowed or reduced, or charged as balances against any person by such auditor, shall be recovered, on the application of such auditor (which application he is hereby empowered to make), in the same way as penalties and forfeitures under the said first-recited Act, from the person making or authorizing such illegal payment, and within thirty days of such audit each district board shall cause to be printed, and shall forward by post or otherwise to each board of guardians, and to the officers of every parish within their district, an abstract of the accounts of their district, so audited, in such form as the poor law commissioners may direct.

Appointment
of auditors
for district
boards.

L. Every guardian of every union or parish included in any such district formed for the maintenance of an asylum shall at
Guardians
may visit

(b) Repealed by 13 Vict. c. 11, s. 1.

and inspect
asylums.

all reasonable times be entitled to enter the asylum of such district, and inspect any part thereof, and enter his remarks thereon in a book to be kept for that purpose.

Children may
be sent to
district
schools from
parishes and
unions not
combined,
but not dis-
tant more
than twenty
miles.

LI. In any case where a parish or union is not combined in a school district, and where any part of such parish or union is not more than twenty miles from a district school, the board of guardians of such parish or union may, with the consent of the board of such district, send to such district school any infant poor not above the age of sixteen years, being chargeable to any such parish or union, who are orphans, or are deserted by their parents, or whose parents or surviving parent or guardians are consenting thereto; and the costs of the maintenance, employment, and instruction of such infant poor in such district schools shall be paid by such board of guardians to such district board, according to such rates and at such times and in such manner as may be agreed upon by the said boards, with the approbation of the said commissioners; and such infant poor while at such district school shall be subject to the control and management of such district board and their officers, in like manner as if the said parish or union were combined in such school district by virtue of this Act.

Liabilities of
persons re-
lieved in
such asy-
lums.

LIV. Every poor person relieved in any asylum under the management of any district board shall be liable to the same obligations in respect of the relief afforded to him as if the same were afforded in any workhouse, and shall be subject to the same punishment and penalties as are provided by an Act passed in the fifty-fifth year of the reign of King George the Third, intituled "An Act to prevent Poor Persons in Workhouses from Embezzling certain Property provided for their use; to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering Relief to Poor Persons, in certain Cases, for a longer period than One Month at a time; and for other Purposes therein mentioned relating to the Poor," or under any other Act or Acts, for refusal or neglect to work, in pursuance of any regulations or directions prescribing a task of work, or for wilfully destroying or injuring his own clothes or any property, or for absconding with any clothes or other articles provided by such district board, or for damaging any of the property of such district board, or for any misbehaviour in such asylum, by disobedience of the rules and regulations in force therein, or otherwise, as if he were relieved or set to work in any workhouse under the control of a board of guardians acting under the orders and regulations of the said commissioners in pursuance of the said first-recited Act: Provided always, that nothing in this Act contained shall relieve any guardian, overseer, relieving officer, or master of a workhouse from any obligation now imposed upon him by law with regard to the relief of cases of sudden and urgent neces-

55 Geo. 3,
c. 137.

sity, or shall prevent the reception into a workhouse of any person labouring under dangerous illness, or shall authorize the transfer to an asylum of any person received into such workhouse in a case of dangerous illness, unless with the certificate in writing of a medical man duly licensed to practice, to the effect that such person is then in a fit state to be removed, and stating the manner in which such person, in the opinion of such medical man, may be safely removed.

LVII. If any person be convicted before any justice or justices of any offence committed in any workhouse while maintained therein, or of absconding from any workhouse, and carrying away clothes or other property therefrom, and be liable to be committed for such offence to any gaol or house of correction, it shall be lawful for the justice or justices before whom such person is convicted to commit such person to the common gaol or house of correction of the county or place in which the parish is situated to which such person at the time of the commission of the offence was chargeable, notwithstanding that such workhouse may not be situated in such county or place, and notwithstanding that such justices may not be justices of such county or place; and if such person have not goods or money within such county or place sufficient to bear the charges of himself and those who convey him, then such charges shall be defrayed at the expense of the county, place, or parish, according to the provisions of an Act passed in the twenty-seventh year of the reign of King George the Second, intituled "An Act for the better securing to Constables and others the Expenses of conveying Offenders to Gaol; and for allowing the Charges of poor Persons bound to give Evidence against Felons:" Provided that in cases of such conviction and committal as aforesaid all further proceedings in respect thereof may be taken; and the costs and charges of such proceedings, and for the maintenance of such offender in such gaol or house of correction, shall be payable in like manner and under the like authority as such proceedings would have been taken, or as such costs and charges would have been payable, in case the offence had been committed within the parish or place to which such offender was chargeable at the time when he committed such offence.

Committal of offenders in workhouses to the gaol of the place to which the offenders belong.

27 Geo. 2. c. 3.

LIX. It shall be lawful for any board of guardians or district board to pay out of the funds in their hands the reasonable costs of the apprehension and of the prosecution of any person who, according to the laws in force at the time being, is charged with refusing or neglecting to maintain himself or his family, or with running away and leaving his family chargeable, or whereby such family has become chargeable, or with wilfully neglecting or disobeying the rules, orders, and regulations of the poor law commissioners, or with any

Costs of certain civil and criminal proceedings to be paid out of poor rates.

offence or misbehaviour in any workhouse, or with deserting or running away from any workhouse, and carrying away clothes, linen, or other goods or things belonging to any workhouse, or given or procured or provided as or for relief, or with neglect or disobedience of the reasonable and lawful orders of justices or guardians, or of any district board, in the administration of the laws relating to the relief of the poor, or with obstructing or assaulting any officer engaged in the administration of the laws for relief of the poor, or with fraudulently obtaining, stealing, purloining, embezzling, wasting, or injuring, or wilfully misapplying any property applicable to or connected with the relief of the poor, or with any offence directly affecting the administration of the laws for the relief of the poor, and the reasonable costs of apprehending and prosecuting any officer who may have been employed in the administration of the laws for the relief of the poor, for any neglect or breach of any duty of his office, or for any maltreatment or abuse of any poor person; and, subject to the approval of the said commissioners, every board of guardians or district board shall pay the costs of all legal proceedings taken by any auditor, or under his direction, for the protection of the poor rates or property of any parish, union, or district, or taken by any other person whom the board of guardians or district board have authorized or directed to institute such prosecution or legal proceedings; and to the extent to which any such costs may not be repaid by the offending or other party, or from the county, liberty, or borough rates, the guardians of any union then may, in any of the cases aforesaid, having due regard to the circumstances of the case, and subject to the approval of the poor law commissioners, charge such expenses, either to the common funds of the union, or to any parish or parishes comprised therein; and the district board of any district may, having like regard to the circumstances of the case, and subject to the like approval of the poor law commissioners, charge such expenses, either to the funds of the whole of such district, or on any one or more of the unions and parishes comprised therein.

Penalty on overseers neglecting to obtain a supply of funds for the relief of the poor.

LXIII. If the overseers of any parish wilfully neglect to make or collect sufficient rates for the relief of the poor, or to pay such monies to the guardians of any parish or union as such guardians may require, and if by reason of such neglect any relief directed by the board of guardians to be given to any poor person be delayed or withheld during a period of seven days, every such overseer shall upon conviction thereof forfeit and pay for every such offence any sum not exceeding twenty pounds.

Construction of Act.

LXXIV. This Act shall be construed in the same manner as the Act passed in the sixth year of the reign of Her present

Majesty, intituled "An Act to continue until the Thirty-first Day of July One thousand eight hundred and forty-seven, and to the end of the then next Session of Parliament, the Poor Law Commission; and for the further Amendment of the Laws relating to the Poor of England," and as one Act with the same, and with the Acts and provisions thereby required to be construed as one Act; and the word "month" shall be taken to mean calendar month; and the words "clerk of the peace" shall be taken to mean the clerk of the peace or other officer discharging any of the duties of clerk of the peace for any county, division of a county, riding, borough, liberty, division of a liberty, precinct, county of a city, city, county of a town, town, cinque port, or town corporate; and the words "licensed minister" in the said first-recited Act, and "minister" in this Act, shall be construed to mean and include every person in holy orders, and also every person teaching or preaching in any congregation for religious worship whose place of meeting is certified and recorded according to law; and, except where it is otherwise expressly provided, all provisions in any Act now passed or hereafter to be passed, relating to the officers of boards of guardians constituted under the provisions of the said first-recited Act, or to the workhouses under the management of such guardians, shall apply to all officers appointed by any district board, and to all workhouses under the management of any district board.

11 & 12 VICT. CAP. 91.

An Act to make Provision for the Payment of Parish Debts, the Audit of Parochial and Union Accounts, and the Allowance of certain Charges therein.

[31st August, 1848.]

IV. Where any appeal shall be made to the said commissioners against any allowance, disallowance, or surcharge made by any auditor in the accounts of any guardians, overseers, or their officers, it shall be lawful for the said commissioners to decide the same according to the merits of the case: and if they shall find that any disallowance or surcharge shall have been or shall be lawfully made, but that the subject matter thereof was incurred under such circumstances as make it fair and equitable that the disallowance or surcharge should be remitted, they may, by an order under their seal, direct that the same shall be remitted, upon payment of the costs, if

Appeal against disallowances, &c. may be determined by the poor law board on the merits, and such disallowances, &c. may be remitted.

any, which may have been incurred by the auditor or other competent authority in the enforcing of such disallowance or surcharge.

Mode of certifying as to balances to officers.

V. "And whereas doubts exist as to the powers and duties of auditors in certifying the sums due from the overseers and other officers, and it is desirable to remove such doubts:" Be it therefore enacted, that where any overseer or officer shall be continuing in office at the time when the accounts are audited, the auditor shall certify as due such sums of money only as shall be disallowed or surcharged by him in the accounts so audited; but where the term of office of such overseer or officer shall have expired at the time when the accounts are audited, he shall ascertain the balance which he shall find to be then due on the accounts so audited, together with the sums (if any) which he shall have disallowed or surcharged, and shall give credit for all sums which shall be proved before him to have been paid in respect of such balance to the succeeding overseers or officers, or otherwise lawfully applied on behalf of the parish or union interested therein, before the date of this audit, and he shall certify, report, and recover, in the manner provided by law, the balance remaining due after such credit shall have been given; and every certificate made by any auditor, if made according to the forms set forth in the schedule hereunto annexed, or to the like effect, shall be deemed to be sufficient: Provided always, that where the sum, or the aggregate of the sums, disallowed by the auditor in the account of any officer, shall not amount to forty shillings, the same may be paid over with the balance due from such officer, instead of being paid to the treasurer.

As to proceedings necessary to be taken against persons now liable to be surcharged by auditor, and to whom no notice is required to be given.

VIII. If an auditor shall see cause to surcharge any person now liable by law to be surcharged by him, and to whom no notice is now required by law to be given, with any sum of money in reference to any payment considered by him to have been illegally or improperly made, he shall, if the person be not present at such audit, cause notice in writing of his intention to make such surcharge to be given, by post or otherwise, to the person against whom he shall propose to make this surcharge, addressed to him at his last known place of abode, and shall adjourn the audit, so far as it shall relate to such particular matter, for a sufficient time to allow of such person appearing before him, and showing cause against such surcharge, and at such time the said auditor shall hear the party, if present, and determine according to the law and justice of the case.

What shall be required to be proved by auditors in order to recover sums

IX. In any proceedings to be taken by an auditor, or by his attorney, before justices, to recover sums certified by him to be due, it shall be sufficient for him to produce a certificate of his appointment under the seal of the poor law commissioners, or of the commissioners aforesaid, and to state and

prove that the audit was held, that the certificate was made in the book of account of the union or parish to which the same relates, and that the sum certified to be due had not been paid to the treasurer of the guardians of the union or of the parish, as the case may require, within seven days after the same had been so certified, nor within three clear days before the laying of the information, of which nonpayment a certificate in writing purporting to be signed by the treasurer, shall be sufficient proof on the part of the auditor; and if at the hearing of such information it shall be proved that the said sum had been paid to the treasurer subsequently to the date of such last-mentioned certificate, the costs incurred by such auditor shall be paid by the party against whom the information shall be laid, unless he prove that notice of such payment had been given to the auditor twenty-four hours at least prior to the laying of the information.

certified by
them to be
due.

X. The said commissioners may at any time, upon sufficient cause being shown to them, authorize any person, selected by the auditor, to act temporarily as his deputy, and shall communicate to the several unions and places forming his district the name of the person so appointed to act as his deputy, and such person shall thereupon be empowered to act in all respects, and with the same authorities, and subject to the same duties and liabilities, as the auditor himself is entitled or subject to.

Auditor may,
upon cause
being shown,
appoint a
deputy.

SCHEDULE to which this Act refers.

FORMS OF CERTIFICATES.

1.—Against an Accounting Officer.

I do hereby certify, That in the account of *A. B.*, the [set out the name of the office] of the parish of ——— [or of the ——— union], I have disallowed [or surcharged] the sum of £——.

As witness my hand, this ——— day of ———, 1848.

M. N., Auditor of the ——— district,
which comprises the above named
parish or union.

2.—*Against a Person not an Accounting Officer.*

I do hereby certify, That in the accounts of the ——— union [*or of the parish of ———*] I have disallowed the sum of £—— as a payment illegally made out of the funds of such union [*or parish*] and I find that *C. D.* of ——— authorized the making of such illegal payment, and I do hereby surcharge the said *C. D.* with the same.

As witness my hand, this ——— day of ———, 1848.

M. N., Auditor of the ——— district,
which comprises the above named
union or parish.

11 & 12 VICT. CAP. 82.

*An Act to amend the Law for the Formation of Districts
for the Education of Infant Poor.*

[31st August, 1848.]

7 & 8 Vict.
c. 101.

Removal of
limitations
on the area
of the school
district, the
expense of
building,
and the
amount of
certain ex-
penditure in
certain cases.

“WHEREAS by an Act passed in the eighth year of the reign of Her Majesty Queen Victoria, intituled ‘An Act for the further Amendment of the Laws relating to the Poor in England,’ provisions are made for the combination of unions into districts for the management of infant poor not above the age of sixteen years, and by reason of certain restrictions therein contained the provisions so made for such purpose have proved inoperative, and it is expedient that such of the restrictions as are herein-after mentioned should in certain cases be removed:” Be it therefore enacted, by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that so much of the said Act as prevents the commissioners therein mentioned from including in any such district any parish, any part of which would be more than fifteen miles from any other part of such district, and so much thereof as provides that the principal sum or sums to be raised for the purpose of providing any building or buildings for any school for any such district as aforesaid, and charged on any union, or on any parish not included in a union, shall in no case exceed one-fifth of the average annual amount of the aggregate expenditure relating to the relief of the poor within any such parish for three years ending the twenty-fifth day of March next preceding the raising of such money, shall not apply to prevent the combination of any union, or any parish not in

union, for the purposes aforesaid, nor the raising of any money for the purpose aforesaid, when the major part of the guardians of the several unions and parishes not in union proposed to be combined shall previously thereto consent in writing to such combination.

II. All the provisions contained in the statute passed in the sixth year of the reign of Her Majesty, intituled "An Act to continue until the Thirty-first day of July, One thousand eight hundred and forty-seven, and to the end of the then next Session of Parliament, the Poor Law Commission; and for the further Amendment of the Laws relating to the Poor in England," in respect of the election, qualification, resignation, and the acts of guardians of a union, and in respect of the supply of vacancies in the board of guardians, shall apply to the members of the district boards formed or to be formed under the authority of the first-recited Act and of this Act.

Provisions in 5 & 6 Vict. c. 57, extended to members of district boards under 7 & 8 Vict. c. 101.

III. The several words in this Act shall be construed in the manner prescribed in the said first-recited Act.

12 & 13 VICT. CAP. 103.

An Act to continue an Act of the last Session of Parliament, for charging the Maintenance of certain Poor Persons in Unions upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor.

[1st August, 1849.]

* * * * *

VIII. When any auditor shall die, resign, or be removed, or become incompetent to act, at any time when the audit of the accounts of the parishes or unions within his district shall not be completed, the Poor Law Board may, by order under their seal, appoint temporarily some other person to audit the accounts of the several parishes or unions which may then be ready to be audited; and such temporary auditor shall have the same powers and authorities, and shall be subject to the same obligations and duties, as the ordinary auditor would have possessed or would have been subject to, and shall receive such remuneration as the said commissioners shall direct for the performance of his services herein.

On vacancy in the office of auditor, poor law board to appoint a temporary auditor to audit accounts incomplete.

IX. "And whereas, in the Act of the last session of parliament, intituled 'An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders,' it is enacted, that in all cases where no time had then been or should thereafter be specially limited for making the

Certain limitation in 11 & 12 Vict. c. 43, not to apply to proceedings by auditors.

complaints or laying the informations therein referred to, every such complaint should be made and every such information laid within six calendar months from the time when the matter of such complaint or information respectively arose; and doubts have been entertained whether the provision aforesaid applies to proceedings by auditors to recover sums certified by them to be due in the accounts of officers or other persons, and it is desirable to remove such doubts;” Be it therefore declared and enacted, that nothing in the provision of the said Act herein-recited shall be deemed to apply to any such proceeding by any auditor, but that no auditor shall commence any such proceeding after the lapse of nine calendar months from the disallowance or surcharge by such auditor, or, in the event of an application by way of appeal against the same to the Court of Queen’s Bench or to the Poor Law Board, after the lapse of nine calendar months from the determination thereupon.

13 & 14 VICT. CAP. 101.

An Act to continue two Acts passed in the Twelfth and Thirteenth Years of the Reign of Her Majesty, for charging the Maintenance of certain Poor Persons in Unions in England and Wales, upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor.

[14th August, 1850.]

* * * * *

Purchase of
site for dis-
trict schools.

7 & 8 Vict.
c. 101.

III. In addition to the principal sum or sums of money which the board of management of a school district formed under the authority of the Act of the eighth year of the reign of Her Majesty, intituled “An Act for the further Amendment of the Laws relating to the Poor in England,” are empowered to raise or borrow for the purpose of providing a building for the school of such district, such board may, whenever any part of such district is situated within the *Metropolitan Police District*, with the consent and order of the Poor Law Board, also raise or borrow and charge the future poor rates of the unions and parishes respectively combined in such district with such further or other sum or sums of money as may be or may have been necessary for the purchase of any land, or interest in land, required for the site of such school, or required for the training of the children maintained thereat, or for the site of any addition to such school.

14 & 15 VICT. CAP. 105.

An Act to continue an Act of the Fourteenth Year of Her Majesty for charging the Maintenance of certain Poor Persons in Unions in England and Wales upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor.

[8th August, 1851.]

VII. Every security for money borrowed under the authority of any order of the Poor Law Commissioners or the Poor Law Board may be made according to the form set forth in the schedule hereunto annexed, or as near thereto as the circumstances of the case will admit.

Form of security.

XVI. "And whereas provision is made in the said last-mentioned Act for the combination of unions and parishes into school districts, and authority is given to the district board, subject to the order of the Poor Law Board, to borrow or raise such sum or sums of money as may be necessary for the purpose of purchasing any site, or purchasing, hiring, or building, and of fitting up and furnishing, a building or buildings for such school; and it is further provided that the principal sum or sum to be raised for the purpose of providing such building or buildings, and charged on any union or parish not included in a union, shall in no case exceed one-fifth of the average annual amount of the aggregate expenditure relating to the relief of the poor within any union, or of the like expenditure within any such parish, for three years ending the twenty-fifth day of March next preceding the raising of the money: And whereas by the Act of the fourteenth year of Her Majesty, chapter one hundred and one, section three, with reference to school districts situated within the metropolitan police district, the cost of the site of any such school may be borrowed over and above the amount so limited as aforesaid: And whereas it is expedient with respect to such last-mentioned school districts that the limit of expenditure fixed by the said Act of the eighth year of Her Majesty should be enlarged:" Be it therefore enacted, that in respect of any school district situated within the said metropolitan police district such limit shall be enlarged from one-fifth to one-third.

The limit of the expense to be incurred in school districts within the metropolitan police district extended from one-fifth to one-third.

XVII. The board of management of any school district may in like manner, and subject to the like order, rules, and regulations of the Poor Law Board, as in the case of the guardians of a union, exchange, demise, sell, or otherwise dispose of any land belonging to the said district, and apply the rents

Provision for disposal of school district property.

or produce of any such exchange, sale, or disposition for the benefit of the said district in such manner as the said Poor Law Board shall direct.

SCHEDULE.

Form of Security to be given for Loan obtained under the Act of the Fifth Year of King William the Fourth, or any Act incorporated therewith.

THIS deed, made the — day of — in the year one thousand eight hundred —, witnesseth, that in consideration of the sum of —, lent and advanced to the guardians of the poor of the — union in the county of —, or to the guardians of the poor of the parish of — in the county of — or to the board of management of the — district school, or to the overseers of the poor of the parish of — in the county of —, under the provisions of the Act [*here state the Act authorizing the loan*], and in pursuance of and upon the authority of the order of the poor law board bearing date the — day of —, by [*here set out the name and description of the public board, commissioners, or company, or the person lending the money*], the receipt of which sum is testified by the memorandum at the foot hereof by our treasurer, or (*in the case of the overseers*) by us, we, the said guardians, or we, the said board of management, or we, the said overseers, do hereby charge the future poor rates to be raised in the several parishes comprised in the said union, namely [*here set out the names of the parishes comprised in the union*] or in the several unions and parishes comprised in the said district, namely [*here set out the unions and parishes combined in the district*], or in the said parish, with the repayment to the said — of the said sum of — by [*here insert the number of yearly instalments by which the loan is to be repaid, not exceeding the number limited by the statute or statutes under which it is advanced, but including those to which the time of repayment has been extended under any statute in that behalf*] instalments, on the days in the years following; that is to say, the sum of — on the — day of — in the year 18—, the sum of — on the — day of — in the year 18—, the

sum of — on the — day of — in the year 18—, together with interest at the rate of — pounds per centum per annum, by — yearly payments on the days aforesaid, or by half-yearly payments on the — day of — and on the — day of — in every year, upon the principal for the time being unpaid, according to the terms of this security: Provided that nothing herein contained shall prevent the said — from receiving the repayment of the whole or any part of the aforesaid sum at any time before the day of payment of the last instalment, if willing to do so.

In testimony whereof we, the guardians aforesaid, or we, the said board of management, have hereunto affixed our common seal, or we, the said overseers, have hereunto set our hands and seals.

(L.S.) (L.S.) (L.S.)

Received this — day of — the above-mentioned sum — of — from the said —.

A. B., treasurer of the — — union, or parish, or district board.

C. D. and E. F. overseers of the poor of the said parish.

Registered by the Poor Law Board this — day of — 18—.

Seal of the Poor Law Board. [L.S.]

29 & 30 VICT. CAP. 113.

An Act to amend the Act providing Superannuation Allowances to Officers of Unions and Parishes, and to make other Amendments in the Laws relating to the Relief of the Poor.

[10th August, 1866.]

XVI. So much of the fifty-first section of the said last-mentioned statute as limits the distance within which children may be sent to the school of any district formed under the said or any subsequent statute from any parish or union not combined therein, and so much of the sixth section of the statute of the fourteenth and fifteenth years of Her Majesty, chapter one hundred and five, as limits the distance within which children may be sent from one workhouse to another, are hereby repealed.

The limits imposed by sect. 51. of 7 & 8 Vict. c. 101, and sect. 6, of 14 & 15 Vict. c. 105, withdrawn.

* * * *

XVIII. In all statutes, except there shall be something in Interpretation of the context inconsistent herewith, the word "Parish" shall, among other meanings applicable to it, signify a place for terms, and

consolidation of the Acts.

which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed, and all the other words used herein shall be construed in the like manner as in the said statute passed in the fourth and fifth years of King *William* the Fourth; and the provisions contained therein and in the subsequent statutes explaining and extending the same, and not repealed, shall, so far as they shall be consistent herewith, be extended to this statute.

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